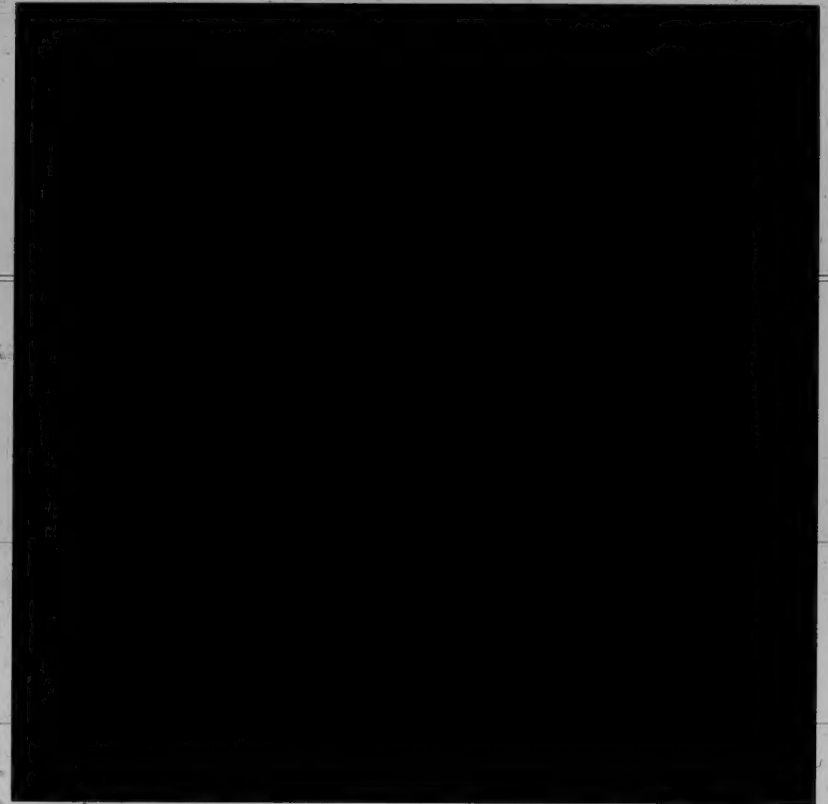
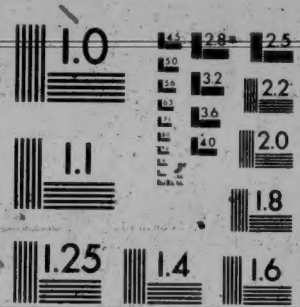
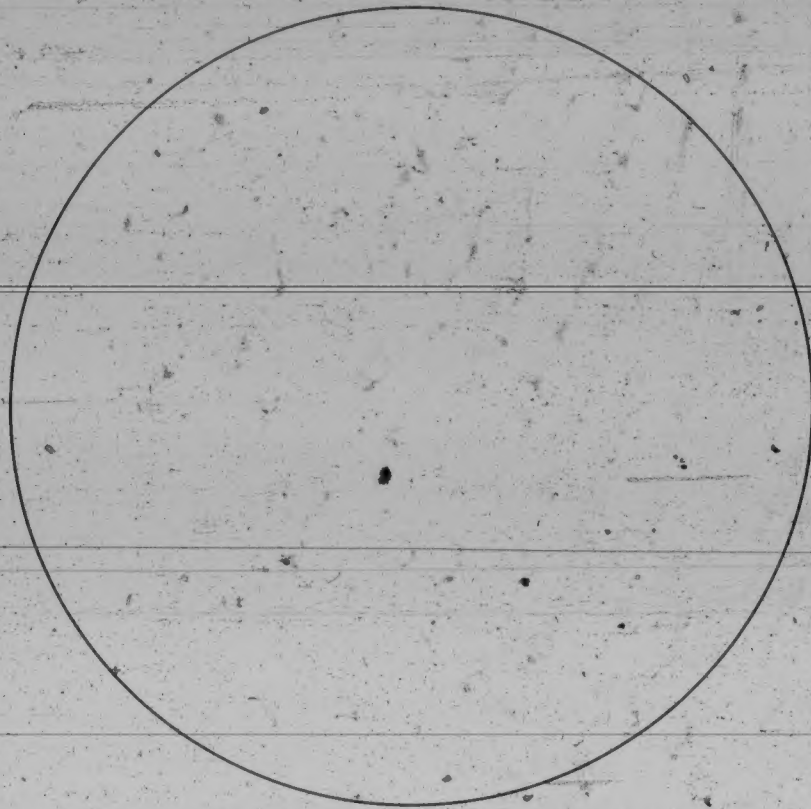
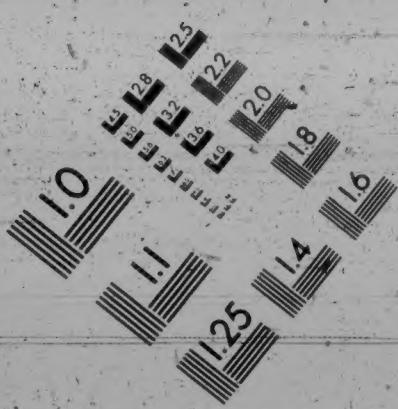
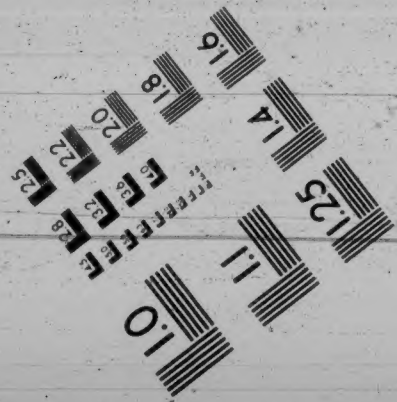
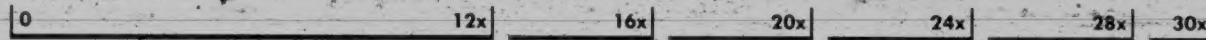


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 252

CHEROKEE BY BLOOD 10361 - 10455

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

WASHINGTON: 1983

Cher 10361

Savannah Morris

Trans. from D994

Cher 10361

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Tahlequah I. T. September 10th 1903.

In the matter of the application for the enrollment of Savannah Morris et al as citizens of the Cherokee nation.

Cherokee D. 994.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Savannah Morris was born in the State of Georgia ~~untill~~ where she resided until after her marriage to John Rhodes. Her father J. P. Collins was admitted to Citizenship in the Cherokee nation in 1888, at which time said Savannah Morris was twenty seven years of age and had been previously married in the State of Georgia and was not at that time a member of his family. After her removal to the Cherokee nation which is not definitely stated except that she removed about fifteen years ago, she was married under a United States license to her present husband; she having been separated and divorced from her former husband. There is no record that she was ever admitted to citizenship in the Cherokee Nation by any tribunal having jurisdiction.

The contention of the Cherokee Nation is, that her name was placed upon the pay roll of 1894, "Without authority of law" and therefore it was the duty of the Commission to refuse her enrollment. Our contention is that inasmuch as the testimony shows that the applicant was born a citizen of the State of Georgia and that she was never admitted to citizenship in the Cherokee nation and that in as much as her name does not appear on the citizenship certificate with her father, and inasmuch as she was never admitted by any other authority that the placing of her name upon the 1894 pay roll was "without authority of law". How could her name have been legally placed there. The census takers had no authority to receive her name because she was not a citizen of the Cherokee nation. Council did not confirm this roll, and in fact refused to confirm it. (See certified copy of act hereto attached.)

We believe that Congress, in order to reach just such cases as this, wisely inserted this provision "Without authority of law" in the Curtis bill. What other kind of a case would it reach? The words "Without authority of law, it seems to us would be meaningless if it is construed that

a name is legally and with authority of law upon the Cherokee unauthentic^{pay}ted rolls .

It will be observed that the Curtis Bill specifically requires the Commission to enroll all persons who had been admitted to citizenship in the Cherokee Nation together with their minor children, but as above observed this applicant had been married prior to her fathers admission, was not a member of his family but was twenty-seven years of age. In 1894 the Cherokee National Council made a pay roll, a roll for that specific purpose. The Council had been in session for some time; The National Council was a large unwieldy body and when it came to the several committees going over a list of thirty-five thousand people--citizens of the Cherokee Nation-- and to make an absolutely correct roll therefrom, it was found to be a difficult matter; it was a most tedious job and in order that the Cherokee Nation might not be bound by this roll and in order that the people might secure their prorata part of the proceeds derived from the sale of the Cherokee Strip as speedily as possible, in order that their present necessities might be relieved, and we might add that this payment had been anticipated for some time, the Cherokee National Council made this a pay roll and specifically stated that; the 1894 roll was to be the guide for the Cherokee Treasurer in making the payment of 1894 and that he was authorized to make the payment upon the 1894 rolls as a pay roll but that :

"This authority being hereby given to, and vested in the National Treasurer, without prejudice to the Government of the Cherokee Nation, in regard to the recognition of any person registered upon the said rolls as citizens of the Cherokee Nation, by virtue of their adoption according to law, or by right of Cherokee descent and blood, who may hereafter be duly discovered, to have been so registered through ~~fraudulent authority~~ ~~error~~ error or fraud; and also without prejudice to any person, who may hereafter be found to be entitled, to have been so registered, but has not been through error, inadvertance or accident.

"And the said rolls or lists are hereby required to be placed on deposit in the Executive Office of the Cherokee Nation, and in charge of the Principal Chief, from which the National Treasurer, shall make and prepare the pay rolls of the several districts as directed by law --They, the said original rolls, so required to be filed in the Executive office, being subject to authentication hereafter by the National Council as the true, correct and complete register of the citizens of the Cherokee Nation after final examination and revision of the same." Act of May 5th 1894.

This was the last act of the National Council on the subject of the 1894 rolls and they were never further examined or corrected and were never authenticated. This act of the National Council shows that it never

was the intention of the National Council to be bound by this roll or to

authenticate it or that any name found thereon should be thereafter recognized as a citizen of the Cherokee Nation.

For these reasons Congress wisely provided that the Commission should enroll all persons who had been admitted by the Constituted authorities of the Cherokee Nation, together with their minor children, members of their family; it also provided that the Commission should refuse the enrollment of all persons whose names appeared upon other rolls (Other than the 1880 authenticated Roll) "Without authority of law".

To understand readily how the 1894 pay roll was made, it is respectfully submitted, that Census takers for the several districts of the Cherokee Nation were appointed who took the names of all persons claiming to be citizens of the Cherokee Nation and these names were transferred to books arranged alphabetically from which the pay roll was made.

It will readily be seen how impossible it was for the Cherokee National Council to have made an absolutely correct roll within the short time allotted to the members of the Committee of Council in 1894; to wit—Only thirty days. The Commission to the Five Civilized Tribes has been engaged in the work of making a roll of the citizens of the Cherokee Nation since May 11th 1900 or for more than three years with their work far from completion.; It was impossible for the National Council to make a correct roll in 1894 as the work was done hastily; the people were clamoring for their money and it is well known to the Commission who are upon the ground here and who have investigated the conditions and it is well known to the Cherokee People that the 1894 roll was a flagrantly incorrect roll; that there are great numbers of names appearing thereon of persons not entitled but the making of that roll was an emergency act with a saving clause contained therein to the effect that the Cherokee Nation would not be bound by it as an authenticated roll. We believe that in this light the Department should view this roll and that no pay roll made by the Cherokee people should be conclusive of the persons citizenship whose name appears thereon unless such person had been born within the limits of the Cherokee Nation; whose name was upon the authenticated roll, or who had been legally admitted as a citizen of the Cherokee Nation or who was born after the legal admission of their parents if the parents name was not upon the authenticated roll.

#4.

Our contention is that all persons whose names were placed upon the 1894 pay roll whose names did not appear upon the authenticated roll of 1880, or were descendants of such persons since born ^{or} who were not subsequently admitted by the National Council or some other tribunal having authority or jurisdiction, were placed on the 1894 pay roll "without authority of law"; in order that this class of persons who might present their names to be enrolled as citizens of the Cherokee Nation Congress on June 10th 1896 authorized the Commission to receive the applications of all persons, who desired to be admitted to citizenship in the Cherokee Nation; and under this act the applicants in this case could have applied and presented their case and asked to have been admitted as citizens of the Cherokee Nation by blood but we contend that under the present act of Congress it is the duty of the Commission to enroll only recognized citizens of the Cherokee Nation and unless Savannah Morris had been admitted to citizenship in the Cherokee Nation by the legally constituted authorities she has no right to be enrolled now because she was born a citizen of the State of Georgia where she resided until her marriage and until she was twenty-seven years of age.

For these reasons we contend, that under the law, these applicants are not entitled to be enrolled by the Commission as citizens of the Cherokee Nation and they should be denied.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

J. C. S.

An Act in regard to the Census rolls of 1893-4.
Sec 1. Be It Enacted by the National Council: That the several rolls or lists of names of citizens of the Cherokee Nation, which have been made and prepared under and by authority of the act of the National Council, approved on the 15th day of April 1893, and which have been examined, revised, corrected, approved, numbered and certified to, by the representatives of each District, in the National Council, acting as special committees appointed for such purpose, be, and the same are hereby made and constituted the guide and authority of the National Treasurer, in making payment per capita as authorized and provided by act of the National Council Approved May 3rd 1894, and entitled: "An Act, provided for the Distribution of of six million, six hundred and forty thousand dollars, to Cherokee Citizens by blood, and for other purposes" This authority being hereby given to, and vested in the National Treasurer without prejudice to the Government of the Cherokee Nation, in regard to the recognition of any person registered upon the said rolls as citizens of the Cherokee Nation, by virtue of their adoption according to law, or by right of Cherokee descent and blood, who may be hereafter duly discovered, to have been so registered through error or fraud; and also without prejudice to any person, who may hereafter be found to be entitled, to have been so registered, but has not been through error, inadvertance or accident. And the said rolls or lists are hereby required to be placed on deposit in the Executive office of the Cherokee Nation, and in charge of the Principal Chief, from which the National Treasurer, shall make and prepare the pay rolls of the several districts as directed by law -- They, the said Original rolls, so required to be filed in the executive office,

being subject to authentication hereafter by the national council as the true, correct and complete register of the citizens of the Cherokee Nation, AFTER FINAL EXAMINATION AND REVISION OF THE SAME.

Approved May 3^d 1894

C. J. Harris,

Principal Chief C. N.

Certificate of Record.

Executive Department, Cherokee nation,

Tahlequah, I. T. September 4th 1903.

I, A. B. Cunningham, Assistant Executive, Secretary of the Cherokee Nation do hereby certify that the above is a true copy of the act of the National Council entitled "An Act in regard to the census rolls of 1893-4" as the same appears of Record at pages 118 and 119 Book E laws of the Cherokee nation, now on file in this Department and in my custody. Given under my hand this Sept 4th 1903.

A. B. Cunningham
Assistant Executive Secretary, Cher. Nation.

Cherokee 10361

Savannah Morris et al.

For record in this case see

Cherokee D-994

Cher 10362

John H. Riley

Trans. from D942

Cher 10362

C O P Y.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 12th, 1900.

In the matter of the application of John H. Riley for the enrollment of himself, wife and two children as Cherokee citizens. He being sworn before Commissioner Breckinridge testified as follows:

- Q What is your name? A John H. Riley.
Q How old are you? A 34.
Q What is your postoffice? A Vera.
Q What district do you live in? A Cooweescoowee.
Q What is it that you want to have enrolled? A Myself, wife and 2 children.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q A white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation, all your life?
A No sir, I was in the Cherokee strip some.
Q Did you take up any land in the Cherokee Strip? A Yes sir, 80 acres and I paid for it.
Q When did you go there? A Before that country was sold.
Q When did you come back here? A Two years ago.
Q What time two years ago? A January 16th, 1898.
Q You are not on the 1896 roll? A I came here to Tahlequah and enrolled before the Clerk but I understand it was not put on the roll.
Q Did you draw your strip money in 1894? A Yes sir.
Q Did the taking up of land out there prevent you from drawing your strip money? A No sir.
Q Did they deduct anything from your strip money for the land that you got out there? A Yes sir.
Q How much did they take from your payment? A \$112.00 I think
Q Give me the name of your wife? A Stella.
Q How old is she? A 27.
Q What was her name when you married her? A Moore.
Q When were you married to her? A In 1894.
Q Have you a certificate of your marriage? A Yes sir.
Q Let me see it.

The applicant presents a license issued in Oklahoma, signed by K. H. Faulkner, Probat Judge, authorizing marriage between John H. Riley, of Cleveland, O. T. and Stella Moore of the same place, under date of November 2d, 1894, and the certificate shows that that were united in marriage by William Walls, a Justice of the Peace on the 11th day of November, 1894. This is filed herewith.

- Q Were you ever married except to this wife? A No sir.
Q Was she ever married before? A No sir.
Q Has she lived with you ever since your marriage? A Yes sir.
Q Give me the names of your children? A Ruth P.
Q How old? A 4 years.
Q Next child? A Mammie A.
Q How old? A Born 23rd of June, 1900.
Q These children are both living now are they? A Yes sir.
Q When was it that you left Oklahoma Territory? A I moved from there to the Cherokee Nation on the 16th of January, 1898.
Q During the time that you were out there did you vote for any officers? A Yes sir I voted at the Township elections.
Q Did you vote for the Territorial Representative, Mr. Flynn?
A No sir, I didn't vote for Flynn, I just voted at the Township elections.

John H. Riley-2.

Q Did you vote for or against the candidates put up at those elections, we dont care to know who you voted for, but whether or not you voted.

A Yes sir, I voted.

Q What is the name of your father? A Richard.

Q Is he dead? A No sir.

Q What is the name of your mother? A Polly.

Q Is she dead? A No sir.

1880 roll, page 801, No. 1926, John H. Riley, Tahlequah dist.
1894 15 48, John Riley, (Reservator, \$153.70.)

Q Why was it that they made this deduction from your strip payment money? A I sent for mine.

Q How much did you get? A Something over \$100.00, don't know how much.

Q What was the reason that they deducted some from the original amount? A For lands I got in the strip.

Q Had you that land in 1894? A Yes sir.

Q Do you still own that land? A Yes sir.

The applicant applies for the enrollment of himself, wife and two children. He is identified on the 1880 roll as a native Cherokee and on the 1894 pay roll as a Reservator. He has lived in the Cherokee Nation all his life with the exception that about 12 years ago he went to what is now Oklahoma Territory and lived there until January 16th, 1898, at which time he states he returned to the Cherokee Nation and has lived here ever since. He was not permitted to enroll in 1896. He states that he exercised the right of suffrage in Oklahoma. He will be listed for enrollment as a Cherokee by blood, but upon a doubtful card, and the final decision of the Commission will be made known to him. He is shown to have married his wife, who is a white woman, in 1894 in the Territory of Oklahoma. Neither of them were previously married. She is not identified on the 1896 roll, but as she may have acquired rights of citizenship by intermarriage, she will be listed for enrollment by this Commission as a Cherokee by intermarriage, but upon a doubtful card. When certificates of birth as to his two children, Ruth P. and Mammie A. Riley are filed with the Commission, these children also will be listed for enrollment as Cherokees by blood, on a doubtful card to await the status of their father.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this 12th day of December, 1900.

C. R. Breckinridge,
Commissioner.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and the same is a true and correct copy of the original transcript.

R. Palmer

Subscribed and sworn to before me this 9th day of March, 1904.

Simon R. Walkington
Notary Public.

Copy

CHEROKEES BY BLOOD AND ADOPTION.

Name John H Riley Date Dec. 12, 1900 1900.

District Jallegwah Bera, G.S.

Citizen by blood Yes Mother's citizenship _____
Year 1880 Page 801 No. 1926

Married citizen _____

Married under what law _____

License _____ Certificate _____

Wife's name Stella Riley

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen Yes

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Ruth P. Riley Dist. _____ Year _____ Page _____ No. _____ Age 4

Mamie A. Riley Dist. _____ Year _____ Page _____ No. _____ Age 6 mo

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

No. 1 on 1880 roll as John H Riley

nos 3 & 4 Affidavits of birth to be supplied

C O P Y.

R.
C. D. -942.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John H. Riley for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this date, to-wit: the 13th day of March, 1902, appears in person and by his attorney N. A. Gibson, Muskogee, I. T.

JOHN H. RILEY, being first duly sworn and being examined, testified as follows:

BY MR. GIBSON OF MR. RILEY: What is your name? A John H. Riley.
Q You are the principal applicant in this case, are you? A Yes sir.
Q I notice that in response to a question asked you at the examination in this case on December 12, 1900, you stated that you had come back to the Cherokee Nation on January 16, 1898. State whether or not that is correct.
A That was a mistake. It was January 1899 instead of 1898.
Q State whether or not you had any improvements in the Cherokee Nation prior to January 1899? A Yes sir.
Q Where? A Bevin's Creek, Cherokee Nation.
Q Tell of what that improvement consisted? A Of a house and about 150 acres of farm land, two acres of orchard.
Q When did you get that or buy that? A Bought it in May, 1898.
Q From whom? A Walter Bevins.
Q State whether you were in the Cherokee Nation in May, 1898?
A Yes sir, I was.
Q How much of the time were you there between May, 1898 and January 1899? A About half my time.
Q State whether you spent the time you were in the Cherokee Nation between those dates on your farm in Cooweescoowee District.
A Yes, part of the time.

BY MR. HASTINGS: Have you got the bill of sale of your farm?
A Yes sir.
Q Let me see it.
A I thought I had it with me, if I have not I have lost it.
Q Where were your wife and children in 1898? A Part of the time in the Cherokee, and in Oklahoma part of the time.
Q Where did you live in the Cherokee Nation in 1898?
A Lived on Bevins' Creek.
Q How long did your wife stay there in 1898? A About a month.
Q Where were these two children born, for whom you applied?
A One in Oklahoma and the other in the Cherokee Nation.
Q When was the last one born? A In 1900, I believe. It is two years old, June 1900.
BY MR. GIBSON: For what purpose did you buy this place in the Cherokee Nation? A Bought it for a home farm.
Q State whether you are occupying it at this time as your home?
A Yes sir, I am.

MR. GIBSON: I offer in evidence the certificate of naturalization of the witness before the United States Court at Muskogee.

BY COMMISSION: The document will be filed.

Q You submit the case? A Yes sir.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, and same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted fifteen days in which to file brief in this case, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and correct copy of the original transcript.

R. Palmer

Subscribed and sworn to before me this 9th day of March, 1904.

Simon B. Walkington
Notary Public

COPY.

UNITED STATES OF AMERICA.

INDIAN
TERRITORY.

FIRST
JUDICIAL DIVISION.

BE IT REMEMBERED, That on the First day of -----
in the year of our Lord, one Thousand Eight Hundred and Ninety Two
personally appeared before the Honorable James M. Shackelford,
Judge of the United States Court, of the Judicial Division and
Territory aforesaid (the same being a Court of Record, having and
exercising common law jurisdiction, a Seal and a Clerk), and sitting
judicially for the dispatch of business, at the Court House, in
Muscogee, in the Judicial Division and Territory aforesaid, John
Riley, a member of the Cherokee Nation of Indians, above the age
of Twenty-one Years, and applied to the said Court to be admitted to
become a naturalized citizen of the United States of America, pursuant
to the several Acts of Congress heretofore passed on that subject;
and having made application for citizenship, according to the pro-
visions of the several Acts of Congress, and the Court being satis-
fied as well from the oath of the said applicant as from the testi-
mony of John W. Jordan and William McMakin, who are known to be
competent witnesses, that the said applicant has resided within the
limits and under the jurisdiction of the United States, for at least
five years last past, and at least one year last past within the
Indian Territory, and during the whole of that time he has behaved
himself as a man of good moral character, and appeared to be at-
tached to the principles contained in the Constitution of the United
States, and well disposed to the good order, well-being and happi-
ness of the same; IT WAS ORDERED that the said applicant be permitted
to take the oath to support the Constitution of the United States,
and to renounce and abjure all allegiance and fidelity to every
foreign prince, potentate, state and sovereignty whatever, which
said oath having been administered by the Clerk of said Court,
IT WAS ORDERED BY THE COURT that the said applicant be admitted to
all and singular the rights, privileges and immunities of a
naturalized citizen of the United States, and that the same be
certified by the Clerk of this Court, under the seal of said Court
accordingly.

INDIAN TERRITORY. ss.
FIRST JUDICIAL DIVISION.

I, Marshall L. Bragdon, Clerk of the United
States Court of said Judicial Division and Territory, do hereby
certify the foregoing to be a true and correct copy of the records
of said Court.

IN TESTIMONY WHEREOF, the Seal of the said Court is hereto
affixed, at the Clerk's Office in Muscogee, this First day of Decem-
ber A. D. 1892, and of the Independence of the United States the
one hundred and seventeenth.

SEAL

By Marshall L. Bragdon, Clerk.
W. R. Shackelford, Deputy.

Naturalization
Final Certificate.
United States Court.
First Judicial Division.
Indian Territory.
November Term, 1892.
Recorded on Page 200.
Naturalization A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 5th, 1902.

In the matter of the application of John H. Riley et al, for
enrollment as citizens of the Cherokee Nation.
Cherokee D 942.

BRIEF ON PART OF THE CHEROKEE NATION.

The testimony in this case shows that the applicant is a son of Richard Riley, listed for enrollment on Cherokee Doubtful Card No. 946; That he has been a resident of the Territory of Oklahoma since it opened on September 16, 1893 up until January 1899. He first testified that he removed to the Cherokee Nation in 1898 but in his subsequent testimony he corrected it and stated that it was in January 1899 when he removed from Oklahoma. He had been a resident of the Cherokee Strip prior to its annexation to Oklahoma but what we desire to specially present to the Commission is that he admits that after the separation of the Cherokee Strip from the Cherokee Nation and its annexation to the Territory of Oklahoma he continued to reside in Oklahoma until January 1899, owned property there and voted and otherwise exercised the rights of citizenship in the new Territory of Oklahoma. He was not a resident of the Cherokee Nation on June 28th, 1898 and it would seem that the Commission could not enroll him under the following provision of section twenty-one of the Curtis Act: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship." Now applicant admits that he was a resident of Oklahoma at the time this act was passed and had been for more than five years and continued to reside there until January 1899 and while there enjoyed and exercised all the rights of any other citizen of the Territory of Oklahoma.

Respectfully submitted,

W. W. Hastings,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 Muskegee, I.T., October 20, 1902.

In the matter of the application of John H. Riley for the enrollment of himself and his three minor children, Ruth P., Mammie A. and Mabel Riley, as citizens by blood, and for the enrollment of his wife, Stella Riley, as a citizen by inter-marriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOHN H. Riley, being sworn, testified as follows:

By the Commission:

- Q What's your name? A My name's John H. Riley.
 Q How old are you, Mr. Riley? A Thirty-seven.
 Q What's your postoffice? A Vera.
 Q You're an applicant for enrollment as a citizen by blood, are you? A Yes sir.
 Q What's your wife's name? A Stella Riley.
 Q How old is your wife? A Twenty-eight.
 Q Is she a citizen by blood or a white person? A Citizen by adoption.
 Q She is an applicant for enrollment as a citizen by inter-marriage, is she? A Yes sir.
 Q When were you married to your wife, Stella? A November 11, 1894.
 Q Were you ever married prior to your marriage to this wife?
 A No sir.
 Q Was she ever married prior to her marriage to you?
 A No sir.
 Q Have you and she lived together all the time since your marriage to the present time? A Yes sir.
 Q Never been separated? A No sir.
 Q Were you and she living together as husband and wife on the first day of September, 1902? A Yes sir.
 Q Have you resided in the Cherokee Nation all the time since 1890 up to the present time? A All except when we went to the Cherokee Strip in '96 and stayed there until '98.
 Q You were out there with Mr. Jordan were you? A Yes sir.
 Q Well now, what time in '98 did you come back to the Cherokee Nation? A I came back in April, '98, and bought a place and fixed it up some and then I went back home. I had a place out there and gathered my crop and moved back here the 16th of January, '99.
 Q 16th of January, '99? A Yes sir.
 Q You and your family here? A I had my family with me.
 Q You went back and gathered your crop? A Yes sir.
 Q And then came back with them? A Yes sir.
 Q Did you take land there at the opening of the Territory?
 A Yes sir.
 Q As a Cherokee? A Yes sir.
 Q How much did you take? A Eighty acres.
 Q Did you draw your strip money? A All except \$112.00.
 Q Did the Cherokee Nation deduct \$112.00 from your \$200.00?
 A Yes sir.
 Q Then you drew your Cherokee Strip money less what the Cherokee Nation valued the eighty acres, is that all you got?
 A Yes sir.

- Q When you came back to the Territory, what did you do with the eighty acres out there in the Strip? A I still own it.
- Q And you have lived in the Cherokee Nation ever since you came back here? A Yes sir.
- Q These children, Ruth F. and Mable A., are your children by your wife, Stella? A Yes sir.
- Q Both living now? A Yes sir. Aint I got three children registered there?
- Q No, I think not.
- Q They have lived with you all the time since they were born and what is true of your residence is true of the children?
- Q Yes sir.

Betta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

(signed) Betta Chick.

Subscribed and sworn to before me this 19th day of November, 1903.

(signed) B. C. Jones
Notary Public.

Mabel F. Maxwell, as stenographer to the Five Civilized Tribes, under oath, states that the foregoing is a true and correct copy of the original transcript of testimony and proceedings had in the above cause.

Mabel F. Maxwell

Subscribed and sworn to before me this 13th day of February, 1903.

John L. Fisher
Notary Public.

1111

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

In the matter of the application of John H. Riley for the enrollment of himself and minor children, Ruth P., Mamie A. and Mabel Riley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Stella Riley, as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N.

The record in this case shows that on December 12, 1900, John H. Riley appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself and minor children, Ruth P. and Mamie A. Riley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Stella Riley, as a citizen by intermarriage of the Cherokee Nation. On October 31, 1902, a birth affidavit was filed with the Commission showing the birth of Mabel Riley on May 13, 1902. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13 and October 20, 1902.

The said John H. Riley is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee and upon the 1894 Strip payment roll as a Reservator. The evidence shows that he was lawfully married to Stella Moore, a white woman, on November 11, 1894; and the said Ruth P., Mamie A. and Mabel Riley are the issue of said marriage, and are duly identified by birth affidavits made a part of the record herein.


The evidence further shows that the said John H. Riley lived in the Cherokee Nation until the year 1890 when he moved into that portion of said nation known as the "Cherokee Outlet" which, in 1893, was ceded to the United States and became a part of Oklahoma Territory; that the said John H. Riley and his family, who are applicants herein, continued their residence in Oklahoma Territory, until April, 1898, when they returned to the Cherokee Nation, as now constituted; that the said John H. Riley and his said wife, Stella Riley, have lived together as husband and wife continuously since their marriage up to and including September 1, 1902, and have lived in the Cherokee Nation since April, 1898. The residence of the minor children has been the same as that of their parents.

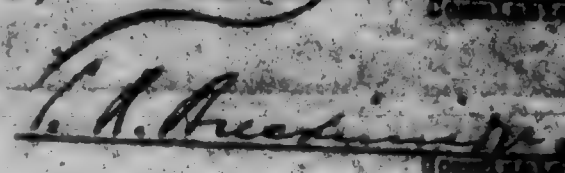
It appears from the records of the Commission that Stella Riley and Ruth P. Riley, with others, made application under the Act of Congress approved June 10, 1896 (29 Stats., 521), to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, which application was duly acted upon by the Commission and rejected. Appeal was taken to the United States Court, Northern District, Indian Territory, sitting at Muskogee, which court, by judgment rendered November 9, 1897, in the case of Daisy Lee Jordan et al. vs. the Cherokee Nation, #202, reversed said decision of the Commission and admitted said Stella Riley and Ruth P. Riley to citizenship in the Cherokee Nation. The court in said case held:

This Court is of the opinion that the residence, of the parties named, in the Territory of Oklahoma, under the facts and circumstances set forth in the Master's report, does not deprive them of citizenship in the Cherokee Nation. They took their lands in the Territory by virtue of the treaty between the Cherokee and the United States, and they were recognized by the treaty as Cherokees and entitled to a pro rata share of the Strip payment, and the value of the lands which they took in the Strip was deducted from their Strip money. They have not left the Cherokee Nation or removed their property out of the nation. The nation has simply ceded to the United States that part of its area upon which these persons were permitted to reside.

It is, therefore, the opinion of this Commission that John E. Riley and his minor children, Ruth F. Riley, Marie A. Riley and Nabel Riley, should be enrolled as citizens by blood of the Cherokee Nation, and that Stella Riley, wife of the said John E. Riley, should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 25, 1902 (32 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman


Commissioner

Muskogee, Indian Territory,

this FEB - 1 1903

C O P Y.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., February 7th, 1903.

IN THE MATTER OF THE APPLICATION OF JOHN H. RILEY FOR THE EN-
ROLLMENT OF HIMSELF AND MINOR CHILDREN AS CITIZENS BY BLOOD OF THE
CHEROKEE NATION, AND FOR THE ENROLLMENT OF HIS WIFE AS A CITIZEN BY
INTER-MARRIAGE OF THE CHEROKEE NATION.

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and respectfully protests
against the decision of the Commission rendered February 2nd., 1903,
and asks that the same, together with the record and brief
heretofore filed by the Cherokee Nation be forwarded to the Hon.
Secretary of the Interior for review.

In the Jane Stille case (Cherokee D-1264), the Commission
decided that under "additional legislation"; namely; the Act of
Congress of date June 25th, 1898, that the Commission was authorized
to disturb the judgment of the United States Court upon appeal from
the Commission under the Act of June 10th, 1896.

In this case the evidence is quite clear that the applicant
did not return to the Cherokee Nation until January 1899, and the
Act of Congress hereinbefore referred to provides, "No person shall
be enrolled who has not heretofore removed to and in good faith
settled in the Nation in which he claims citizenship."

No one of the applicants herein were residents of the Cherokee
Nation at this time, but were residents and citizens of the Terri-
tory of Oklahoma, and hence we contend they are not entitled to be
enrolled as citizens of the Cherokee Nation.

Respectfully submitted

W. W. Hastings

Attorney for the Cherokee Nation.

Done with

Chas 10362

COMMERCIAL BANK OF NEW YORK
AND TRUST COMPANY OF NEW YORK

PAID TO THE ORDER OF
100 00
20 100

NEW YORK, N.Y. A.D. 1861

... the ... of ...
... the ... of ...
... the ... of ...

COPY.

W. L. Hagleton,
Probate Judge,
Pawnee County, Oklahoma.

Marriage License.

Territory of Oklahoma, "Q" County: SS:

November 2nd, A.D. 1894.

To any person authorized by the law to perform the marriage ceremony greeting:

YOU ARE HEREBY AUTHORIZED TO JOIN IN MARRIAGE:
John H. Riley of Cleveland, O. T. age 26 years, and Stella Moore, of Cleveland, O. T., age 20 years, and of this license you will make due return to my office within thirty days.

K. E. Faulkner,
Probate Judge.

SEAL.

CERTIFICATE OF MARRIAGE.

TERRITORY OF OKLAHOMA, "Q" County, SS:

I the undersigned, a justice of the Peace of Binnett in said County, do hereby certify that in accordance with the authorization of the within license, I did on the Eleventh day of November, A. D. 1894, at Office in said County join and unite in Marriage the within named John H. Riley and Stella Moore.

Witness my hand, the day and year above written.

Wm. Walls,

Official Title: Justice of the Peace.

SEAL.

Witnesses:

T. M. Scott.
Sarah Riley.

I do hereby certify that this is a true copy of the original license issued.

Wm. L. Hagleton,
Probate Judge.

Stamp.

By T. S. Sanders, Clk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., March 9, 1904.

I, the undersigned, Commissioner in Charge Cherokee Land Office and custodian of the records of said office, do hereby certify that the above and foregoing is a true and correct copy of the certified copy of the original marriage license and certificate on file in said Cherokee Land Office.

T. S. Sanders

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

DEPT. OF THE INTERIOR
RECEIVED
MA. 25 922
REL. TO
NO. 3211
Supt. Five Civilized Tribes

WASHINGTON, D. C., May 19, 1922

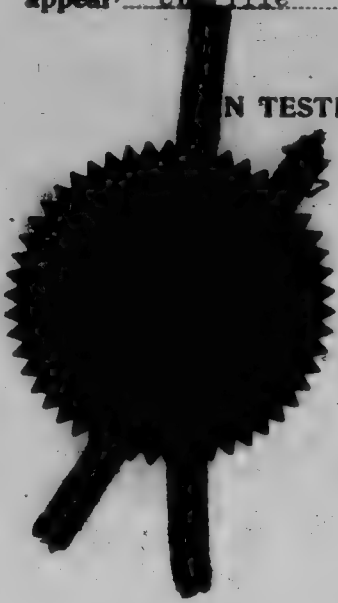
I, E. B. Meritt, Assistant Commissioner

of Indian Affairs, do hereby certify that the papers hereto attached

are true copies of the originals as the same

appear on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed on the day and year first
above written.



E. B. Meritt
Assistant Commissioner.

IN RE

Application for Naturalization of

INFANT CHILD

Walter S. D.

is a citizen of the

United States

Approved:

John S. D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE Application for Enrollment, as a citizen of the _____ Nation,
of Walter H. Hill, born on the _____ day of _____,
(Here insert name of child)
Name of Father: John H. Hill, a citizen of the _____ Nation,
Name of Mother: Stella Hill, a citizen of the _____ Nation,
Post-office, _____

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Not in District _____

I, Stella Hill, _____
years of age and a citizen, by _____
that I am the lawful wife of _____
John H. Hill, of the _____
born to me on the _____ day of _____,
named _____

WITNESSES TO MARK

(Must be two
Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 19____.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE

UNITED STATES OF AMERICA
INDIAN TERRITORY
Not in District _____

I, _____
attended on Mrs. _____
on the _____ day of _____,
said date a _____
named _____

WITNESSES TO MARK

(Must be two
Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 19____.

Handwritten marks

IN RE

Application for Enrollment of

INFANT CHILD

Maurice A. Riley

as a citizen of the

Charleston State

Approved

190

Handwritten signature

~~Handwritten signature~~

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED

IN RE Application for Enrollment as citizen of the Cherokee Nation,
of *Thomas R. Green*, born on the *5th* day of *June*, 1900
Name of Father *John R. Green*, citizen of the *Cherokee* Nation.
Name of Mother *Stella Green*, citizen of the *Cherokee* Nation.
Post office, *Greene, Cherokee*

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cherokee District.

I, *Stella Green*, do hereby state that I am *Cherokee* Nation;
that I am the mother of *Thomas R. Green*, who is a citizen, by
John R. Green Nation, that a *female* child was
born to me on the *5th* day of *June*, 1900. The said child has been

John R. Green
John R. Green 1902
John R. Green
in low birth ward 5, 1902

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cherokee District.

I, *John R. Green*, do hereby state that I
do hereby state that I am *Cherokee* Nation;
that I am the mother of *Thomas R. Green*, who is a citizen, by
John R. Green Nation, that a *female* child was born to her on
the *5th* day of *June*, 1900. The said child has been

John R. Green
John R. Green 1902
John R. Green
NOTARY PUBLIC

IN RE

Application for Enrollment of

INFANT CHILD.

Mabel Rice
as citizen of

Illinois

Approved

C. A. Hutchinson

Illinois

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

IN AN Application for Enrollment, as a citizen of the *Cherokee* Nation,
 of *Mabel Riley*, born on the *13* day of *May*, 1902
(Here insert name of child.)
 son of Father: *John H. Riley* a citizen of the *Cherokee* Nation
 and of Mother: *Stella Riley* a citizen of the *Cherokee* Nation
 Post-office *Ursa, Ind. Ter.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, *Stella Riley*, do hereby state that I am *28*
 years of age and a citizen, by *Marriage* of the *Cherokee* Nation,
 that I am the lawful wife of *John H. Riley*, who is a citizen
Blood of the *Cherokee* Nation, to wit: *Stella Riley*
 born to me on *13* day of *May*, 1902
 named *Mabel Riley*

WITNESSES TO MARR

(Must be Two)
 Witnesses

Subscribed and sworn to before me this *13th* day of *July*,
my com Exp 11-14-1903 *John H. Riley*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, *C. H. Latham*,
 attended on Mrs. *Stella Riley*
 on the *7th* day of *July*,
 said date a *female*
 named *Mabel Riley*

WITNESSES TO MARR

(Must be Two)
 Witnesses

Subscribed and sworn to before me this

114

C O P Y.

Cherokee D-942.

Muskogee, Indian Territory, July 12, 1902.

John H. Riley,

Vera, Indian Territory.

Dear Sir:-

The Commission is in receipt of birth affidavit in the matter of the application for the enrollment as a citizen of the Cherokee Nation of Mable Riley, infant child of yourself and Stella Riley.

This affidavit is in due form but was received subsequent to July 1, 1902, at which time, under instructions from the Secretary of the Interior, this Commission ceased to receive applications for enrollment as citizens of the Cherokee Nation; consequently no action can be taken upon this application at this time, but same will be held pending action by the tribe upon the Cherokee agreement. Should that agreement be ratified your child, Mable Riley, will be listed for enrollment.

Yours truly,

Acting Chairman.

COPY...

Cherokee D-94E.

Muskogee, Indian Territory, August 19, 1902.

John H. Riley,

Vera, Indian Territory.

Dear Sir:-

You are hereby advised that the birth affidavit heretofore received in the matter of the application for the enrollment of your child, Stella Riley, and which has been held by the Commission awaiting action by the tribe upon the Cherokee agreement proclaimed August 12, 1902, has been filed and your child, Stella Riley, is properly listed.

Yours truly,

Acting Chairman.

C O P Y.

Cherokee D-942.

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings, .

Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of John H. Riley for the enrollment of himself and his three minor children, Ruth P., Mamie A. and Mabel Riley, as citizens by blood, and for the enrollment of his wife, Stella Riley, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tam Bixby,

Acting Chairman.

Enc. H-18.

C O P Y.

Cherokee D-942.

Muskogee, Indian Territory, February 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is herewith transmitted the record of proceedings had in the matter of the application of John H. Riley for the enrollment of himself and his three minor children, Ruth P., Mamie A. and Mabel Riley, as citizens by blood, and for the enrollment of his wife, Stella Riley, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. M-266.

Through the

Commissioner of Indian Affairs.

C O P Y.

Cherokee D-942.

Muskogee, Indian Territory, February 13, 1903.

John H. Riley,

Vera, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for the enrollment of yourself and your three minor children, Ruth P., Mamie A. and Mabel Riley, as citizens by blood, and for the enrollment of your wife, Stella Riley, as a citizen by intermarriage, of the Cherokee Nation.

There has this day been forwarded your attorney, E. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision of the Commission, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tans Bixby

Acting Chairman.

Enc. H-65.

Register.

C O P Y.

Cherokee D-942.

Muskogee, Indian Territory, February 13, 1903.

H. A. Gibson,

Attorney for John H. Riley, et al.,

Muskogee, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of John H. Riley for the enrollment of himself and his three minor children, Ruth P., Mamie A. and Mabel Riley, as citizens by blood, and for the enrollment of his wife, Stella Riley, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Sam Dixie

Enc. H-86,
Register.

Acting Chairman.

C O P Y.

Cherokee D-942.

Muskogee, Indian Territory, February 13, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of John H. Riley for the enrollment of himself and his three minor children, Ruth P., Mamie A. and Mabel Rileyas citizens by blood, and for the enrollment of his wife, Stella Riley, as a citizen by intermarriage, of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 9, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tans Bixby

Acting Chairman.

(COPY)

Refer in reply to the following:

Land 11,790-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 29, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith, a report from the Commission to the Five Civilized Tribes, dated February 13, 1903, transmitting the record relative to the application of John H. Riley, et al. for enrollment as citizens of the Cherokee Nation.

John H. Riley applies for himself and his minor children, Ruth P., and Mamie A. Riley, as citizens by blood, and for the enrollment of his wife, Stella Riley, as a citizen by intermarriage.

Subsequent to the date of his original application he applied for the enrollment of Mabel Riley, who was born May 13, 1902. This applicant is properly identified by a birth affidavit.

February 2, 1903, the Commission held that all the applicants were entitled to enrollment - Stella Riley as a citizen by intermarriage, and the others as citizens by blood.

The Cherokee Nation protests against the Commission's decision.

The record in the case shows that the name of John H. Riley appears on the 1843 roll as a native Cherokee and upon the 1864 strip payment roll as a Reserver. He was lawfully married to

Stella Riley, nee Mosso, a white woman, November 11, 1894, and the minor children mentioned are the issue of that marriage. The children are all properly identified by birth affidavits.

The evidence shows that John H. Riley lived in the Cherokee Nation until 1890 when he removed to that part of the Nation known as the Cherokee Outlet, which was ceded to the government in 1893 and became a part of the Territory of Oklahoma. Riley and his family resided in Oklahoma until April, 1898. At that time they returned to the Cherokee Nation as now constituted, and have resided there since their return. The Commission states in its decision that in 1896 Stella Riley and Ruth P. Riley, with others, applied to it for admission to citizenship; that their applications were rejected; that an appeal from the Commission's decision was taken, and that the United States Court for the Northern District, Indian Territory, in the case of Daisy Lee Jordan et al., versus the Cherokee Nation, reversed the decision of the Commission and admitted Stella and Ruth P. Riley to citizenship. The Commission quotes from the decision of the Court.

From the record it appears that John H. Riley is a native Cherokee and that his name is found on the 1860 roll. ^{would} It is seen, therefore, that he and the minor applicants are entitled to enrollment. The approval of the Commission's decision in so far as it relates to them is recommended, and in connection herewith attention is respectfully invited to Department letter of June 14, 1903 - I.T. D. 1804, 1777- relative to the application of Robert B. L. Jordan

et al., for enrollment as citizens of the Cherokee Nation. Inasmuch as the Court of Claims has not made findings and rendered an opinion on the matters submitted to it by the Department February 24, last, it is recommended that the right of Stella Riley to enrollment as an intermarried citizen, be not passed upon at this time.

very respectfully,

(signed) W. A. Jones.

(GAW). P.

Commissioner,

D. C. 34127-1903. WUP GMR LRS IYD 7760-1903.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

December 5, 1903.

The Commission

to the Five Civilized Tribes.

Gentlemen:

With your letter of February 13, 1903, you transmitted the record had in the matter of the application of John H. Riley for the enrollment of himself and his three minor children, Ruth P. Mamie A. and Mabel Riley, as citizens by blood, and for the enrollment of his wife Stella Riley, as a citizen by intermarriage, of the Cherokee Nation.

The rights of Stella Riley, who claims as a citizen by intermarriage of the Cherokee Nation, will not be adjudicated by the Department in this decision, but will await the action of the Court of Claims upon the question submitted to it on February 24, 1903, relative to the rights of intermarried Cherokees.

It appears that John H. Riley is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee and upon the 1894 strip payment roll as a Reserver; that he was lawfully married to Stella Horre, a white woman, on November 11, 1896; that Ruth P., Mamie A. and Mabel Riley are the issue of said marriage, and are duly identified by birth affidavits made a part of the record herein.

It further appears that John H. Riley lived in the Cherokee Nation until the year 1890, when he moved into that portion of said nation known as the "Cherokee Outlet," which was ceded in 1893 to the United States and became a part of Oklahoma Territory; that said John H. Riley and his family, who are applicants herein, continued to reside in Oklahoma Territory until April, 1898, when they returned to the Cherokee Nation as now constituted; that John H. Riley and his wife, Stella Riley, have lived together as husband and wife continuously since their marriage up to and including September 1, 1902, and have lived in the Cherokee Nation since April, 1898. The residence of the minor children has been the same as their parents.

It also appears that Stella Riley and Ruth P. Riley, with others, made application to your Commission for admission to citizenship in the Cherokee Nation under the act of Congress approved June 10, 1896 (29 Stats., 321)/ and that said application was rejected by your Commission; that on November 9, 1897, the United States Court, Northern District, Indian Territory, by judgment rendered in the case of Daisy Lee Jordan et al. vs. the Cherokee Nation (No. 202), reversed said decision of your Commission and admitted Stella Riley and Ruth P. Riley to citizenship in the Cherokee Nation.

The attorneys for the Cherokee Nation protest against your decision, claiming that the applicants were not residents of the Cherokee Nation on June 22, 1898, and that under the act of Congress of said date, which provides that -

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,"

said applicants are not entitled to be enrolled as Cherokees by blood.

Reporting October 29, 1903, the Commissioner of Indian Affairs recommends that your decision, dated February 2, 1903, holding that the applicants herein who claim as citizens by blood should be enrolled, be approved.

As stated by the United States Court in its decision admitting Stella Riley and Ruth P. Riley to citizenship, the applicants did not leave the Cherokee Nation or remove their ~~affix~~ property ~~at~~ out of the Cherokee Nation. The nation simply ceded to the United States a part of its area upon which these applicants resided, and as the applicants returned to the Cherokee Nation as now constituted prior to the passage of the act of Congress of June 28, 1898, the Department concurs in the recommendation of the Commissioner of Indian Affairs, and your decision in so far as it affects John H. Riley, Ruth P. Riley, Mamie A. Riley and Mabel Riley, is affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

(signed)

Thos Ryan, Acting Secretary.

C O P Y.

Cherokee D-942.

Muskogee, Indian Territory, December 16, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated February 2, 1903, granting the application of John H. Riley for the enrollment of himself and his three minor children, Ruth P., Mamie A. and Mabel Riley, as citizens by blood and for the enrollment of his wife, Stella Riley, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, as to all except Stella Riley, on December 5, 1903.

Respectfully,

Tamr Bixby.

Chairman.

C O P Y.

Cherokee D-942.

Muskogee, Indian Territory, December 16, 1903.

H. A. Gibson,

Attorney for John H. Riley; et al.,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated February 2, 1903, granting the application of John H. Riley for the enrollment of himself and his three minor children, Ruth P. Mamie A. and Mabel Riley, as citizens by blood and for the enrollment of his wife, Stella Riley, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, as to all except Stella Riley, on December 5, 1903.

Respectfully,

Tans Birby

Chairman.

C O P Y.

Cherokee D-952.

Muskogee, Indian Territory, December 16, 1903.

John H. Riley,

Vera, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated February 2, 1903, granting your application for the enrollment of yourself and your three minor children, Ruth P., Mamie A. and Mabel Riley as citizens by blood, and for the enrollment of your wife, Stella Riley, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, as to all except your said wife, on December 5, 1903.

Respectfully,

Tans Bixby

Chairman.

Cher 10363

Francis E. Chouteau

Trans. from D597

Cher 10363

"R"

Cherokee D 597

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Francis E. Chouteau for the enrollment of himself and wife as Cherokee citizens.

Appearances:

J.H.Keith, Coffeyville, Kansas, attorney for the applicants:

W. W. Hastings, attorney for the Cherokee Nation:

BY COMMISSION: The applicant was notified by registered letter February 13, 1902, that his application for the enrollment of himself and wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit; the 5th day of March, 1902, appears in person and by his attorney, J. H. Keith, Coffeyville, Kansas.

BY COMMISSION OF ATTORNEY KEITH: Any statement you desire to make relative to this case? A Yes, sir.

FRANCIS E. CHOUTEAU, being first duly sworn, and being examined testified as follows:

BY MR. KEITH:

Q Give your name and post office address? A Francis E. Chouteau, Lenapah, Indian Territory.

Q How old are you? A 42.

Q When did you first come to the Indian Territory? A 1878.

Q From whence did you come? A From Kansas City, Missouri.

Q When did you first make a location in the Indian Territory?

A 1882.

Q Where,? A Why two miles and a half of west of Lenapah.

Q Do you now reside there? A Yes, sir.

Q How much of your time were you in the Indian Territory after 1882? A I was here all along from one to six months every year.

Q When did you cease to go away; and reside here permanently?

A I moved here in May, 1895, and I have been here permanently ever since.

Q Prior to that time you had been coming back and forth? A Yes sir.

Q Did you have the home that you now have prior to 1895 in the Indian Territory? A I had the place, yes sir.

Q You had owned it since 1882? A Yes sir.

Q Did you commence making the place in 1882? A Yes sir.

Q That is the place upon which you now reside? A Yes sir.

Q I will ask you between the years of 1882 and 1895 if you exercised the rights of citizenship in any other country besides or outside of the Indian Territory; did you ever vote in Missouri or Kansas during those years? A No sir.

Q Did you in the Indian Territory? A Yes sir.

Q Did you exercise any other rights of citizenship in the Indian Territory between those years? A I was subpoenaed before the court of the Indian Territory and served on the jury.

Q I will ask you what was your intention in 1882 when you made those improvements what was your intention after that prior to 1895 as to your future residence? A I always intended living here.

Q In the Indian Territory? A Yes sir.

Q Do you know how much of the year 1882 you spent on your farm in the Indian Territory? A Yes sir, I was here two months.

Q You know how much you spent here in 1883? A Why I can't say for certain, the number of months of each year; I stayed from one to six months every year.

Q One to six months in each year between those years? A Yes sir.

Q And that was your home during that time? A Yes sir.

BY MR. HASTINGS:

Q How long was your wife down here in 1882? A Never was here, not until 1894.

Q Where did you marry her? A Illinois.

Q State of Illinois? A Yes sir.

Q When? A 1883.

Q Where were all of these children born then? A Kansas City.

Q She lived there continuously all the time up until 1895? A Yes sir.

Q All of these children were born there? A Yes sir.

Q Did you have a house there? A No sir.

Q Did you live in the house? A Yes sir.

Q Had one rented? A No sir, it belonged to my mother and I lived with her.

Q Your wife was there and never come to the Territory until 1895 and all of your children were born there, and still the Cherokee Nation was their home? A Yes sir, I never voted in Missouri.

Q Who did you vote for down here? A I voted for Mr. Buffington, last election.

Q Now who before 1895? A I voted for Sam Mayes.

Q Well that was the year 1895, who did you vote for before that now? A I don't remember now.

Q You didn't vote for anybody did you? A Yes sir, I voted every year since 1882.

Q But you can't remember who they were can you? A No sir.

Q Never voted up yonder? A No sir.

Q Always intended to come back here? A Yes sir.

Q Did you ever intend to take a trip to Europe? A No sir.

Q What did you give for that place in 1882? A Seventy-five dollars.

Q Who did you buy it from? A Frank Chouteau, my cousin.

Q Have you got a bill of sale for it? A No ~~xxxx~~ sir.

Q Never did have one? A No sir.

Q How much was in cultivation? A About 2 acres.

Q You have had a leaser on that all the time? A No sir.

Q How much rent did you get in 1882? A One-third.

Q How much? A I guess about ten dollars.

Q How much rent did you get in 1883? A I improved it in 1883, and plowed out about a hundred acres.

Q Did you pay for it? A Yes sir, I paid two dollars an acre to have it improved.

Q Who did you pay it to? A Morrison.

Q What were you doing in Kansas City from 1882 to 1885? A Going to school.

Q What sort of school were you going to? A Public school.

Q You? A Yes sir.

Q When did you quit going to school? A In 1887.

Q What did you do from 1887 on up to 1895, eight years? A I worked one year for a notary public up there.

Q What were you doing the next year? A Not anything, I come down here, I had cattle down here.

Q Where did you have them? A In the hands of Mr. Jim Elliott.

Q When did you buy those cattle? A In 1886, I think.

Q That was while you was going to school? A Yes sir.

Q How long did you stay down here with your cattle? A I, from one to six months every year.

Q Well I want to know that year, 1886? A Why I can't tell you.

Q Do you know in 1887? A No sir.

Q Do you know in '88? A No sir.

- Q What did you do in Kansas City in '88? A Not much of anything.
- Q What did you do there in 1889? A I was not in any business at all.
- Q What was you doing in '90? A I was not in any business at all.
- Q '91? A No.
- Q '92? A No.
- Q Nothing in '1893? A No sir.
- Q Nothing in 1894? A No sir.
- Q Three of these children by your last wife were born there in Kansas City? A Yes sir.
- Q She never came here until 1895? A No sir.
- Q Your mother dead? A No sir.
- Q She lives up there yet? A Yes sir.

BY MR. KEITH: We desire the privilege of introducing further testimony in this case. The applicant, by his attorney, J.H. Keith, asks for a continuance, for the reason that the attorney was only employed this morning, and the applicant being unfamiliar with the rules and practices before this Commission he brought the affidavits of various and divers persons to establish his citizenship and residence in the Indian Territory, and under the rules and regulations governing the practice before this Commission affidavits are inadmissible; therefore desire a continuance until the 20th day of March, 1902, in which to produce witnesses to appear before the Commission in his behalf.

BY COMMISSION OF MR. HASTINGS: Do you consent to a continuance, Mr. Hastings? A Yes sir, I don't care.

BY COMMISSION: The request of the attorney for the applicant for a continuance will be complied with and the case will be continued until the 20th day of March, 1902.

MR. KEITH: In this case we desire to introduce a marriage certificate.

BY COMMISSION: There is offered in evidence by the attorney for the applicant a certificate showing that Francis E. Chouteau and Anna Maria Daley were united in matrimony by E. C. Sickles, Pastor Presbyterian Church, of Dixon, Illinois, on the 20th day of November, 1883: Same is filed and made a part of the record.

BY MR. HASTINGS: Special attention is called by the representatives of the Cherokee Nation to the residence given by the applicant at that time in his marriage certificate.

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I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(SIGNED) M. D. Green.

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I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, the foregoing is a true and correct copy of the original testimony taken in the matter of the above application now on file in the Cherokee Land Office.

George R. Smith

Subscribed and sworn to before me this 21st day of March, A. D., 1904.

Samuel [Signature]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October 16, 1900.

In the matter of the application of Francis E. Chouteau for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A Francis E. Chouteau.
Q What is your age? A 40.
Q What is your post-office address? A Lenapah.
Q In what district do you live? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q What degree of blood do you claim? A Quarter.
Q For whom do you apply for enrollment? A For myself and wife and three children.
Q What is the name of your wife? A Annie M.
Q Is she a citizen by blood? A No sir.
Q Have you any marriage certificate? A Yes sir (produces paper)
Com'r: The applicant presents certificate of marriage in due form certifying that he was married according to the act of the State of Illinois to one Anna Mariah Daley, a non-citizen, on the 20th day of November, 1883.
Q What are the names of your children under 21 years of age at home? A Mary F. 16; Francis E., Jr., 14; Cyprian W. 11. That's all.
Q Are these children alive and living with you? A The first one, Mary, is dead.
Q How long have you lived in the Cherokee Nation? A 5 years.
Q Where did you live previous to that? A Kansas City, Missouri; this oldest daughter just died in August this year.
Q You have lived here five years and previous to that you have lived in the State of Missouri? A Yes sir.
Q Are you a permanent resident now? A Yes sir.
Q Where were these children born? A All of them born in Missouri.
Q Is your name on the roll of 1880? A Yes sir.
Q What is the name of your father? A Cyprian.
Q Is he living? A No sir.
Q What is the name of your mother? A Nancy.
Q Is she living? A Yes sir.
Q Did you own any property here before you came here? A Yes sir, I made a place in 1881 here.
Q In what part of Kansas did you live? A I was born in Johnson County, Shawnee Reservation.
Q You lived at that place until five years ago? A No sir, I was living in Missouri, Kansas City, Jackson County.
Q Have you removed into the Territory with the intention of remaining here? A Yes sir, oh, yes sir.
Q What degree of blood do you claim? A Quarter.
Q Where were you living in 1898? A I was living in the Territory.
Q What district would you be in in 1880? A Cooweescoowee.
Q Did you ever pay the one hundred ninety-five dollars?
A Yes sir, (produces papers).
Q Have you any receipt for it? A No sir, they never give me any receipt for it.
Q When did you pay that? A November, 1880.
1896 roll page 339 #104 Francis E. Chouteau Cooweescoowee Dist;
1896 roll page 300 #261 Annie M. Chouteau "
1896 roll page 339 #104 Francis E. Chouteau "
1896 roll page 339 #107 as Cyprian W. Chouteau "

Com'r Needles: The applicant presents a certified copy of an

act of the Cherokee legislature, admitting among others, one Francis E. Chouteau to all the rights of Cherokee citizenship as a Shawnee; said act being approved by D. W. Bushyhead, Principal Chief, on the 6th day of December 1880; the certified copy presented being certified to as a true copy of the act; signed by B.W. Alberty, Assistant Executive Secretary, under the seal of the Cherokee Nation; said act provides that the said Francis E. Chouteau should be admitted to all the rights of Cherokee citizenship upon the condition that he pay to the Treasurer of the Cherokee Nation the sum of 195 dollars; said applicant avers that he has paid said money; his name is not found upon the authenticated roll of 1880, but is found upon the census roll of 1896; he presents satisfactory proof of his marriage to one Anna M. Daley, a non-citizen, in the year 1883, and the name of Anna M. Chouteau, nee Daley, is found upon the census roll of 1896; the names of his children, Francis E. Jr. and Cyprian W. are also found upon the census roll of 1896; said certificate of admission is filed herewith; and said applicant now presents a receipt under date of September 17th 1889, signed by D. W. Lipe, Treasurer of the Cherokee Nation, under the seal of the Cherokee Nation, said receipt being for the sum of 195 dollars paid in accordance with the act of the National Council approved December 6th 1880, as shown by the records of the office of date September 17th 1889; said applicant is duly identified according to page and number of the rolls, indicated in the testimony; he avers in his testimony that he removed to the Cherokee Nation from the State of Missouri in the year 1895, and because of an act of the National Council of the Cherokee Nation that

"All persons who have been or may hereafter be re-admitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of said act, or from the date of readmission of the persons hereafter readmitted, or no rights whatever will accrue to such persons by reason of such readmission;- provided, that nothing in this act shall bar minors and orphans."

Said act having been approved on the 4th day of December 1894; and because of the fact that the provisions of the Treaty of 1869 approved by the President June 9th, 1869,

"All Shawnees who shall elect to avail themselves of the provisions of said Treaty shall register their names and permanently locate in the Cherokee country as herein provided within two years from the date hereof; otherwise they shall forfeit all rights under this agreement."

Final decision as to the enrollment of said applicant and his said family is suspended, and their names will be placed upon a doubtful card; you will be notified of the decision of the Commission when it is rendered as to your case,

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) M. D. Green.

Subscribed and sworn to before me this 16th day of October 1900.

(SIGNED) C.R.Breckinridge,
Commissioner.

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, the foregoing is a true and complete copy of the original testimony taken in the matter of the above entitled application now on file in the Cherokee Land Office.

George R. Smith

Subscribed and sworn to before me this March 17, 1904.

Samuel S. ...
Notary Public.

GRS

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

In the matter of the application of Francis E. Chouteau for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by J. H. Keith, Coffeyville, Kans.
Cherokee Nation represented by W. W. Hastings.

Case continued by agreement from March 5 to March 20, 1902.

MR. KEITH: Please state your name and place of residence? A John R. Welch, Lenapah, Indian Territory. 61 or 2 years old, I don't know exactly.

Q How long have you resided in the Indian Territory, Mr. Welch?

A I come here in '71.

Q What is your nationality? A Shawnee.

Q By blood? A Yes, sir.

Q Are you acquainted with Francis E. Chouteau? A Yes, sir.

Q How long have you known him? A I have knowed him ever since he was three or four years old, and younger than that.

Q Do you know when he first came to the Cherokee Nation? A Well, he came down in '81 and built, but he came down before that a few times.

Q He built a house in the Cherokee Nation in 1881? A Yes, sir.

Q Where? A On California Creek, southwest of Lenapah about two or three miles.

Q Does he still own that farm? A Yes, sir.

Q Has he owned the improvements ever since he built the house there in 1881? A Yes, sir.

Q Do you know how much of the year 1881 he spent in the Cherokee Nation? A In '81?

Q Yes, sir. A He spent three or four months.

Q You know how much of the time he spent in the Cherokee Nation in 1882? A About the same, somewhere along there, I don't know exactly, but three or four months.

Q Between the years 1882 and 1895 about how much of his time did he spend in the Cherokee Nation each year? A Well, he spent about that much all that time, he was with me every spring and through the summer; he must have spent three or four months during each year.

Q You said he spent three or four months during each year between 1881 and 1895? A Yes, sir, about that much I think.

Q What was he doing when he was down here? A Well, he was down on the farm part of the time, and he had some cattle down there.

Q Did he improve the farm upon which he now resides during those years? A Yes, sir.

Q You know where he boarded when he was here? A He boarded with me, stayed with me every year.

MR. HASTINGS: What kin are you to him? A Well, I married in the family, I don't know what kin I am to him.

Q Don't know what relation your wife is to him? A Why I married his uncle's daughter.

Q This man was married himself in the states, wasn't he? A Yes, sir.

Q In what year? A Who?

Q Francis Chouteau. A Oh, yes, he was married in the states.

Q What year? A I don't know what year he was married.

Q How much of the year of '93 did he spend in the Cherokee Nation?

A '93?

Q Yes sir. A Well, he was at my house in '93, he spent part of

the time every year---

Q Well, do you remember that specific year of '93? A I don't think I know; there's nothing that I can go by:

Q Do you remember the year of '86 how much of the time he spent at your house? A I couldn't figure out how much he spent, but he was there.

Q How much of the year of '85 did he spend at your house? A He must have spent the spring and fall, I know.

Q How many children was born down in the Cherokee Nation? A I don't think there was any of them born there.

Q When was the first time you ever laid eyes on his wife? A Oh, a good while ago.

Q Where did you see her? A In Kansas City.

Q But I mean inside of the Cherokee Nation? A Well, she was here sometime, it must have been in 1890.

Q The year of 1890? A Yes, sir.

Q Come down on a visit? A Come down on a visit.

Q How long did she stay that time? A Well, I don't remember how long she staid, it must have been three or four weeks anyhow.

Q She was living in Kansas City? A Yes, sir.

Q That is the first time she had ever seen ~~her~~ the Cherokee Nation?

A Yes, sir, the first time I seen her in the Cherokee Nation.

Q Well, she never come down here at all until the year of '98 to live? A '94 or '5 somewheres.

Q Well, do you know which year it was? A I don't know exactly, but it was '94 or '95.

Q Well, was it in August or September? A The last of May, sometime in May.

Q Well, if he stated he came here in May, '95, do you think he was correct? A It was in May, it was in '95 I guess its pretty near correct.

Q Now what you what to be understood as swearing is that this man had a farm down here in the Cherokee Nation, and he occasionally left his wife away up there in Kansas City and he came down here off and on, and spent part of his time upon the farm; that is what you wanted to say? A No.

Q That isn't it? A He was down here several years that I know of.

Q Well, he only come down and staid a short time and kept his family back up there, was that it? A Yes, sir, he came and didn't bring his family down.

Q They were left back up there? A Yes, sir.

Q But he never made a crop on the place himself individually and personally? A No, sir, I don't think he ever made any crop himself.

J. H. Shufelt, being first duly sworn, testified as follows:

Mr. Keith: Please state your name and place of residence?

A J. H. Shufelt, Lenapah, I. T.

Q How old are you, Mr. Shufelt? A 31.

Q How long have you resided in Lenapah? A Been living in town about ten years.

Q How long have you lived in the Cherokee Nation? A Since '84.

Q Are you acquainted with Francis E. Chouteau? A Yes, sir.

Q How long have you known him? A Why I have known him ever since I was about ten years old I guess.

Q Do you know when he first came to the Cherokee Nation? A I seen him the first year I was here, seen him down here.

Q How long was he here that year, do you know? A I don't know.

Q How often did you see him here between the year '84 and the year '95? A Why I think I see him down here pretty near every summer and fall.

Q Do you know how long he would stay when he would come down between those two dates? A No, I don't know how long he would stay, couldn't say about that.

Q Do you know whether he had any farm or other improvement in the Cherokee Nation between 1884 and 1895? A Why he had a farm on California Creek there when I came down here.

Q Has he still got that farm? A Yes, sir.

Q Does he reside upon it? A Yes, sir.

Q Do you know what he was doing when he was here between the dates that I have just mentioned to you? A Why I don't know as I could say exactly, most of the time I seen him was when he was around Mr. Welch's over there.

Q Do you know whether he was working on his farm or not? A Don't recollect of noticing him, but once I think, one year I was over there---

Q How far did you live from his farm? A About four miles over there.

MR. HASTINGS: Where did this man marry? A I couldn't say.

Q When did you first see his wife? A Why I think I seen her once or twice before she came down here, but I wouldn't be certain.

Q When did they move down here? A I think it was in '95.

Q Well, he was married in the states? A I think so.

Q All of his children were born there? A I couldn't say about that.

Q Well, all born out prior to 1895? A Yes, sir.

Q And he lived up there with his wife with the exception that he would come down here now and then looking after his farming interest, isn't that the fact? A That's all the time I seen him down here, while he was down looking after his place.

COMMISSION: Do you submit the case?

MR. KEITH: Yes, sir.

The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

'(SIGNED) Arthur G. Croninger.

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I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, the foregoing is a true and correct copy of the original testimony taken in the matter of the above application now on file in the Cherokee Land Office.

George R. Smith

Subscribed and sworn to before me this 18th day of March, 1904.

Samuel E. Farnam
Notary Public.

TREASURY DEPARTMENT
CHEROKEE NATION, IND. TER.

Tahlequah, August 19, 1898.

This is to certify that Frances E. Chouteau, a Shawnee Indian, has paid in to the treasury of the Cherokee Nation the sum of one hundred and ninety-five dollars in accordance with the act of the National Council approved Dec. 6, 1890 as shown by the records in this office of date Sept. 17, 1898.

Given under my hand this the date and day first above written.

(SEAL)

D. W. Lipe
Treasurer, C.N.

by Robt. B. Ross, secretary.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Francis E. Chouteau, Francis E. Chouteau, Jr., Cyprian W. Chouteau, Karl F. A. Chouteau and Annie W. Chouteau as citizens of the Cherokee Nation, Muskogee, Indian Territory,
May 1, 1902.



Senate Bill No. 51

As act to admit Frederic L. Chouteau and Frances E. Chouteau and Joseph Flint, Shawnee Indians to citizenship in the Cherokee Nation.

Be it enacted by the National Council:

That Frederic L. Chouteau and Frances E. Chouteau, Shawnee Indians be and they are hereby admitted to all the rights and privileges of other Shawnees residents in and citizens of the Cherokee nation under the same conditions imposed by the agreement between the Shawnees and Cherokees concluded June 7th, 1869, approved by the President June 9th, 1869.

Be it further enacted that Joseph Flint a Shawnee Indian be and he is hereby admitted to all the rights and privileges of other Shawnees residents in the Cherokee Nation and citizens of the same on the same condition imposed by agreement between Shawnees & Cherokees concluded June 7th 1869, Provided that the persons herein admitted shall pay to the treasurer the sum of one hundred and ninety-five dollars, the amount paid percapita by the Shawnees now citizens of the Cherokee nation.

(Tablequah C.N.) Dec. 2nd 1880.

J. L. Springten, Clerk Senate

S. H. Benge, Prost. Senate.

Concurred in by Council Dec. 4th 1880.

D. R. Hicks, Clerk Council

One Hair, Speaker Council

Approved Dec. 5th 1880

D. W. Bushyhead

Principal Chief.

Executive Office, Cherokee Nation,

Tablequah, I. T.

I, E. W. Alberty, assistant Executive Secretary of the Cherokee nation do hereby certify that the foregoing is a true copy taken from the record of laws of the Cherokee Nation that said record has been filed in this office by law and is in my custody.

Given under my hand and the seal of the Cherokee nation, this the 15th day of October 1900.

(SEAL)

E. W. ALBERTY

Assistant Executive Secretary
Cherokee Nation.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Francis E. Chouteau, Francis E. Chouteau, Jr., Cyrian W. Chouteau, Karl F. A. Chouteau and Annie E. Chouteau as citizens of the Cherokee Nation, Muskogee, Indian Territory.

May 9, 1908.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 28, 1902.

In the matter of the application of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis E., Jr., Cyprian W. and Karl F. A. Chouteau, as citizens by Shawnee blood, and for the enrollment of his wife, Annie M. Chouteau, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

FRANCIS E. CHOUTEAU, being sworn, testified as follows:

By the Commission,

- Q What's your name? Mr. Chouteau? A Francis E.
Q How old are you at this time? A Forty-two.
Q What's your postoffice? A Lenapah.
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Of Shawnee blood, are you? A Yes, sir.
Q What is your wife's name? A Annie M.
Q Your wife's a white woman, is she, Mr. Chouteau? A Yes, sir.
Q And applicant for enrollment as an intermarried citizen? A Yes, sir.
Q When were you married to your wife, Annie? A In November, '83.
Q Had you ever been married before her marriage to you? A No, sir.
Q Had she ever been married before her marriage to you? A No, sir.
Q Have you and she lived together continuously since the date of your marriage up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q How long have you lived in the Cherokee Nation, Mr. Chouteau? A Since the 20th of May, '95.
Q Has your wife lived here since May '95 in the Cherokee Nation? A Yes, sir.
Q These children, Francis E., Jr., Cyprian W. and Karl F. A., your children by your wife, Annie M.? A Yes, sir.
Q Are they all living now? A Yes, sir.
Q The two oldest have lived in the Cherokee Nation with you since '95, have they? A Yes, sir.
Q And the youngest one lived all its life here? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

(SIGNED) Retta Chick

Subscribed and sworn to before me this 5th day of December, 1902.

(SEAL)

(SIGNED) P. G. Reuter,
Notary Public.

George R. Smith, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy of the testimony taken in the matter of the above application, and that the same is true and correct.

George R. Smith

Subscribed and sworn to before me this 16th day of March, 1904.

Samuel Foxman
Notary Public.

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

In the latter of the application of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis E. Jr., Cyriel V. and Karl V. A. Chouteau, as citizens of the Cherokee Nation of Shawnee blood.

FACTS.

The record herein shows that on October 18, 1890, Francis E. Chouteau appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his two minor children, Francis E. Jr., and Cyriel V. Chouteau, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 5, March 20 and October 20, 1892. On May 6, 1901, a birth affidavit was filed for Karl V. A. Chouteau, a third child of the applicant, born since the date of the original application.

The application also included Annie M. Chouteau as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision.

The evidence shows that Francis E. Chouteau is a Shawnee Indian; that he was admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved December 6, 1889, conditional that he pay to the treasurer the sum of \$105.00, and that on September 17, 1889, he perfected his rights of citizenship by paying to the treasurer of the Cherokee Nation the said sum of \$105.00, as required by the terms of his admission. His wife, Annie E., a white woman, was married to him on November 20, 1883, and the three minor children herein are the issue of that marriage.

The evidence further shows that the said Francis E. Chouteau did not comply with the terms of his admission to citizenship until September 17, 1889, six years subsequent to his said marriage to his said wife, a white woman. The two oldest children of the said Francis E. Chouteau, Francis E. Chouteau, Jr., and Cyriel V. Chouteau, were born prior to their said father's compliance with the terms of his admission to citizenship in the Cherokee Nation.

All the applicants herein, excepting the youngest child, are identified on the Cherokee census roll of 1896, and the said child

Karl P. A. Chouteau, is identified by a birth certificate made a part of the record herein.

The evidence further shows that the said Francis E. Chouteau resided in the Cherokee Nation in May, 1885, and that he and his wife, Ayda E., have been residing and living together in said Nation since that time. The residence of the children is considered to be that of their parents.

It is, therefore, the opinion of this Commission that Francis E. Chouteau and Karl P. A. Chouteau should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of section twenty-one of the Act of Congress approved June 20, 1898 (30 Stat., 495) and it is further the opinion of this Commission that the names of Francis E. Chouteau, Jr., and Cyrian W. Chouteau appear upon the Cherokee census roll of 1886 without authority of law, and that the application for the enrollment of Francis E. Chouteau, Jr., and Cyrian W. Chouteau as citizens of the Cherokee Nation of Shawnee blood should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Commissioner

Commissioner

Commissioner

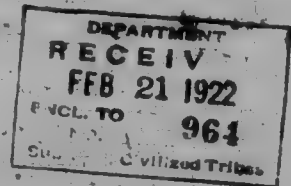
Commissioner

Done at Muskogee, E. T.,

this AUG 21 1899

POOR ORIGINAL -
BEST AVAILABLE COPY

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



WASHINGTON, D. C., February 15, 1922

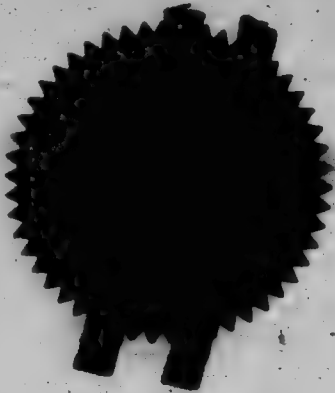
I, E. B. Meritt, - Assistant Commissioner

of Indian Affairs, do hereby certify that the papers hereto attached

are true copies of the original as the same

appear on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed on the day and year first
above written.



E. B. Meritt
Assistant Commissioner.

EM

8. 1901

Application for Enrollment of

INFANT CHILD

Karl Francis Alan Chouteau

as a citizen of the

Cherokee Nation.

Approved *May 6* 1901
[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE
FILED
MAY 10 1901

[Signature]

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

as a citizen of the Cherokee Nation,
Chauteau, born on the 30th day of Sept, 1900,
E. Chauteau, a citizen of the Cherokee Nation,
(H) Chauteau, a citizen of the Cherokee Nation,
Post-office: Lenapah, Ok.

AFFIDAVIT OF MOTHER.

OF AMERICA,
District.

M. Chauteau, on oath state that I am 38
years of age, by Marriage of the Cherokee Nation;
I am the wife of Francis E. Chauteau, who is a citizen, by
law, of the Cherokee Nation; that a Male child was
born to me on the 30th day of Sept, 1900; that said child has been
named Francis Alan Chauteau, and is now living.

WITNESSED TO ME

Subscribed and sworn to before me this 12 day of April, 1901,
at Cherokee, Indian Territory.
Wm. A. Mitchell
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
District.

Charles M. Fulton, Physician, on oath state that I
attended Anna M. Chauteau, wife of Francis E. Chauteau,
on the 30th day of Sept, 1900, that there was born to her on
that date a Male child,
named Karl Francis Alan Chauteau,
My commission expires on Dec 31 1903
WITNESSED TO ME

C. M. Fulton, M.D.
Chas. G. Moore
J. H. Fainster
Subscribed and sworn to before me this 15th day of April, 1901,
at Cherokee, Indian Territory.
Wm. A. Mitchell

(COPY)

Lompah, I. T., May 2.

Col. Needles,

Dear Sir:

In reply to yours of Apr. 29 in regard to my infant sons enrollment,

At the time I went before the Com. my wife & son was with her mother in K. C. Mo. and there she was confined.

I was given to understand at the time I enrolled, that in order to get his name on I would have to have the Dr. or a witness there, and being a poor man, I couldn't do it, and never knew anything about the birth certificates until a week before I sent in mine, hoping this may prove satisfactory explanation and that my son may yet be a citizen I have the pleasure to be,

Resp. F. E. Chuteau.

Refer in reply to the following:
Land. 58/779-1903. (COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, Dec. 12, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Commission to the five Civilized Tribes, dated September 11, 1903, transmitting the record relative to the application of Francis E. Chouteau for the enrollment of himself and his two minor children, Francis E. Jr., Cyprian V. Chouteau, as citizens of the Cherokee Nation, of Shawnee blood.

Subsequent to the date of the original application the Principal applicant also applied for the enrollment of Karl F. A. Chouteau, who was born after the date of said original application. This minor applicant is properly identified by a birth affidavit.

In the Commission's decision it is stated that Annie E. Chouteau was also an applicant for enrollment as a citizen by intermarriage, but that her application is not embraced in the commission's decision.

In an undated decision a majority of the commission, to wit., Commissioners Needles, Breckinridge and Stanley held that all of these applicants were entitled to enrollment as citizens of the Cherokee Nation, of Shawnee blood, and Commissioner Dixby, in a dissenting opinion, dated August 31, 1903, held that Francis E. Chouteau, the principal applicant, and Karl F. A. Chouteau, were entitled to enrollment and that Francis E. Chouteau, Jr., and Cyprian V. Chouteau were not

entitled to enrollment and that their names were upon the 1896 census roll without authority of law. He considers that their application should be denied.

The record in this case shows that Francis E. Chouteau is a Shawnee by blood and that he was admitted to citizenship in the Cherokee Nation by an Act of the National Council approved December 6, 1895, upon condition that he pay to the Treasurer of the nation the sum of \$195. It appears that this amount was not paid until September 17, 1889. Annie M. Chouteau is a white woman. She and Francis E. Chouteau were married November 20, 1883, and the minor children above mentioned are the issue of that marriage. The principal applicant removed to the Cherokee Nation in 1896 and has since resided there.

The Cherokee Nation, by its attorneys, protested against the decision of the majority of the commission. Mr. Bixby takes the position that as the principal applicant did not pay the \$195 until after the birth of Francis E. Jr., and Cyprian W. Chouteau, these two applicants are not entitled to enrollment and that the rights of the principal applicant vested when he paid the \$195 and having paid prior to the birth of Karl F.A. Chouteau, said minor is also entitled to enrollment.

The act admitting the principal applicant to citizenship is as follows:

"Senate Bill No. 51.

An Act to admit Frederic L. Chouteau and Frances E. Chouteau and Joseph Flint, Shawnee Indians to citizenship in the Cherokee Nation.

As it enacted by the National Council;

That Frederic L. Chouteau and Frances E. Chouteau, Shawnee Indians be and they are hereby admitted to all the rights and privileges of other Shawnee residents in and citizens of the Cherokee Nation under the same conditions imposed by the agreement between the Shawnee and Cherokee concluded June 7th, 1869, approved by the President June 9th, 1869.

Be it further enacted that Joseph Flint a Shawnee Indian be and he is hereby admitted to all the rights and privileges of other Shawnees residents in the Cherokee Nation and citizens of the same on the same condition imposed by agreement between Shawnees & Cherokees concluded June 7th, 1869, Provided that the persons herein admitted shall pay to the treasurer the sum of one hundred and ninety-five dollars, the amount paid per capita by the Shawnees now citizens of the Cherokee Nation. (Tahlequah C.N.) Dec. 2nd, 1860.
J.L.Springton, Clerk Senate. S.H.Benge, Prest. Senate.
Concurred in by Council Dec: 4th, 1860.
D.R.Hicks, Clerk Council Ose Hair, Speaker Council.
Approved Dec. 6th, 1860
D.W.Hushyhead
Principal Chief."

Recently Hon. William S. Cowherd, M.C., filed in this office what appears to be a copy of a receipt, dated November 27, 1860. The receipt is as follows:

"Tahlequah, C.W. November 27th, 1860.

"Received of Francis E. Chouteau, the sum of Five Hundred and sixty-eight (\$568.00) Dollars, which sum is placed in my hands to pay the Treasurer of the Cherokee Nation in case the National Council admits Francis E. Chouteau, & Frederic I. Chouteau, as citizens of the Cherokee Nation, with the understanding that if the parties are not admitted the money is to be returned to Francis E. Chouteau.

"(Signed) L. B. Bell, Atty."

Mr. Cowherd informally advised the office that L.B. Bell, who signed said receipt, was attorney for Francis E. Chouteau, and that said Bell was also at that time an officer of the Cherokee Nation.

There is no question but that all of these applicants are of Shawnee blood and the right of Francis E. and Cyprian W. Chouteau to enrollment seems to hinge on whether the payment of \$100 in 1860 relates back to the date of the approval of the act admitting the principal applicant to citizenship, which was December 6, 1860. The principal applicant became a citizen of the Cherokee Nation Dec. 6,

mitted, but his rights to citizenship did not vest until he had complied with the provisions of the act which he did not do until 1889. The two applicants rejected by the Chairman of the Commission are miners, and they are of Shawnee blood. Their names appear on the 1896 census roll.

The office believes that said payment should be held to relate back to the date of the act of admission, and the attention of the Department is respectfully invited to letter of November 20, 1903, -- I.T.D. 3484-- in the Mary Crittenden case, in which the 1896 census roll is discussed.

In view of the foregoing it is respectfully recommended that the decision of the majority of the commission declaring these applicants entitled to enrollment as citizens of the Cherokee Nation, of Shawnee blood, be approved, and that the minority decision adverse to two of the applicants be disapproved.

Very respectfully,

W.A. Jones,

Commissioner.

(G.A.W.)F.

D.C. 35172.

FHE. JP . LRS.

I.T.D. 8804-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 18, 1903.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for the enrollment of Francis E. Chouteau and his minor children, Francis E. Chouteau, Jr., Cyprian W. Chouteau, and Karl F.A. Chouteau, as citizens of the Cherokee Nation of Shawnee blood, submitted with your letter of September 11 and Indian Office letter of December 12, 1903.

It appears that Annie M. Chouteau, wife of the principal applicant, was also an applicant for enrollment as a citizen by intermarriage, but her application is not passed upon by your Commission.

It appears that the principal applicant, Francis E. Chouteau, was admitted to citizenship in the Cherokee Nation by an act of the National Council, approved by the Principal Chief December 5, 1880, which reads as follows:

"That Frederic L. Chouteau and Frances E. Chouteau, Shawnee Indians be and they are hereby admitted to all the rights and privileges of other Shawnees residents in and citizens of the Cherokee Nation under the same conditions imposed by the agreement between the Shawnees and Cherokees concluded June 7th, 1869, approved by the President June 9th, 1869.

"Be it further enacted that Joseph Flint a Shawnee be and he is hereby admitted to all the rights and privileges of other Shawnees residents in the Cherokee Nation and citizens of the same on the same conditions imposed by agreement between Shawnees & Cherokees concluded June 7th, 1869, Provided that the persons herein admitted shall pay to the treasurer the sum of one hundred and ninety-five dollars, the amount paid per capita by the Shawnees new citizens of the Cherokee Nation."

The names of all the applicants except Karl F.A. Chouteau are on the 1886 Cherokee census roll. Karl was born September 23, 1860.

In a decision, without date, by Commissioners Needles, Breckinridge and Stanley, it was held that all the applicants are entitled to enrollment.

August 31, 1903, Commissioner Bixby held that Francis E. Chouteau and Karl F.A. Chouteau were entitled to enrollment, but Francis E. Chouteau Jr. and Cyprian W. Chouteau were not so entitled, and that their names were upon the 1896 roll without authority of law.

It is shown, as stated in the decision of the majority of the Commission, that the principal applicant, a Shawnee Indian, on September 17, 1889, paid into the treasury of the Cherokee Nation the \$195, in accordance with the act of 1880, admitting him to citizenship. Your Commission held that by its payment he perfected his right to citizenship.

The principal applicant was married in the state of Illinois to the mother of said children, in 1883. The two oldest children were born prior to the father's compliance with the terms of admission to citizenship. The evidence shows that the principal applicant was in the Cherokee Nation for short periods prior to 1895; that in that year he and his family removed to the Cherokee nation, and have resided there since. From a "Statement of Facts and Brief", signed by Chairman Bixby, his reasons for dissenting from the decision of the Commission are fully set out. It is stated that it is shown by the act under which the principal applicant claims his right to enrollment he was "admitted" to citizenship on a contingency or condition, which was that he should pay to the Cherokee Nation the sum of \$195

before he would be entitled to the benefits accruing from said act of admission; that in other words, he did not become a full-fledged citizen until he had paid the sum of money required to complete his rights, which did not take place until September, 1869. While ~~with~~ conceding the right of Francis H. Cheateaux to enrollment as a citizen of the Cherokee Nation of Shawnee blood, he contends that the two eldest children could have acquired no rights of citizenship through him, for the reason that at the time of his marriage to his wife, in 1863, he was not a citizen of the Cherokee Nation, and could not confer intermarried rights upon his white wife; nor was he a citizen of the Nation at the date of the birth of his two eldest children, and they could have acquired no rights through their father; that the fact that the principal applicant afterwards perfected his rights to citizenship does not relate back to the date of the passage of the act, for the act itself did not take effect nor operate upon his rights until he finally paid the sum of money required in that act.

The Nation through its attorney protests against your decision, basing its protest practically upon the same grounds taken by Commissioner Bixby.

The Commissioner of Indian Affairs concurs in your decision in favor of all the applicants. He states that

"The principal applicant became a citizen of the Cherokee Nation when admitted (in 1860), but his rights to citizenship did not vest until he had complied with the provisions of the act which he did not do until 1869;"

that he believed that the payment of the \$100 in 1869 should be held

to relate back to the date of his admission and be treated

that the decision of the majority of the Commission declaring all the applicants entitled to enrollment as citizens of the Cherokee Nation, be approved. A copy of his letter is inclosed.

The Department concurs in his recommendation. From the language of the act of 1860, it is apparent that Chouteau may have been in default, within the meaning thereof, yet before he could be divested of his citizenship rights conferred by said act, a forfeiture must have taken place. This did not happen. On the contrary, the Nation has accepted the consideration money, and his name and the names of his children, then born, have been placed upon the roll of 1896. Chouteau's rights, therefore, reverted to the date of his admission, and conferred citizenship rights upon all of the applicants affected by your decision. Your decision is accordingly hereby affirmed.

In regard to Amie M. Chouteau no decision is rendered. It is requested that you inform the Department if it is contemplated by you that the record should be returned, in order that you may render a decision as to her in due time.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cher 10364

Benjamin F. Maxwell

Trans. from D-1135

Cher 10364

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., August 24, 1900.

In the matter of the application of Benjamin F. Maxwell for the enrollment of himself and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A Benjamin F. Maxwell.
Q What is your age? A Forty-six.
Q What is your post-office address? A Braggs.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q What degree of blood do you claim? A One-fourth.
Q What district do you live in? A Illinois District.
Q How long have you been a continuous resident of the Cherokee Nation? A The last time I have only been since 1889; I was born just a quarter of a mile south of here; I was born in 1854 and lived here continuously until 1864 and I was taken to Indiana by my parents and lived in Indiana and Ohio until 1889, and I was re-admitted.
Q Have you a certificate of re-admission? A Yes sir.
Q For whom do you apply now? A I apply for myself and my little children.
Q What is the name of your father? A Leonard Maxwell.
Q Is he living? A No sir.
Q His name upon the roll of 1880? A No sir, he wasn't here then.
Q Is your mother living? A No sir, she is dead.
Q Are you married? A Yes sir.
Q You don't apply for the enrollment of your wife? A My wife is enrolled, but we were married in Ohio.
Q What is your wife's name? A Ora H. Maxwell.
Q She a white person? A Yes sir.
Q Is this your first marriage? A Yes sir.
Q Her father and mother are non-citizens? A Yes sir.
Q What are the names of the children you apply for? A Alfred L. Maxwell, he was born March 15th, 1890; Blanche A. Maxwell, she was born 15th of March 1892; Clyde B. Maxwell, born May 24, 1894; Florence E., born March 24, 1897; Mary G. Maxwell, born 15th of January, 1900.
Q Are these children all alive and living with you? A Yes sir.
Q Have you a certificate of marriage between yourself and wife?
Q Yes sir, but I didn't bring it.
Com'r Needles: The applicant presents certificate of admission certifying that by an act of the National Council approved 23rd of November 1888, one Benjamin F. Maxwell was re-admitted to all the rights and privileges of Cherokee citizenship. Signed C.J. Harris, Assistant Executive Secretary, under the seal of the Nation. The admission is with the provision that they return to the Cherokee Nation within one year after the passage of the above act.
Q Were you a resident of the Cherokee Nation within one year from the 23rd day of November 1889? A Yes sir.
1896 roll page 878 #1138 Benjamin F. Maxwell Illinois District.
1896 roll for children, page 878 #1139 as Leonard A. Maxwell,
1896 roll page 878 #1140 Blanche A. Maxwell Illinois District.
1896 roll page 878 #1141 Clyde B. Maxwell Illinois District.
Q Are these children all alive and living with you? A Yes sir.

Com'r Needles: The name of Benjamin F. Maxwell appears upon the census roll of 1896, and the names of his children, Alfred, Blanche A. and Clyde B. also appear upon the census roll of 1896; the names of his two children, Florence E. and March G. do not appear upon the census roll of 1896 they having been born after the census roll was compiled; said applicant, Benjamin F. Maxwell, pre-

Benjamin F. Maxwell et al #2

sents certificate of citizenship in the Cherokee Nation as described in the testimony; having made satisfactory proof as to his residence said Benjamin F. Maxwell and his said children will be duly listed for enrollment by this Commission as Cherokee citizens by blood; upon the filing or exhibiting to this Commission satisfactory proofs as to the marriage of said Benjamin F. Maxwell with his wife Ora H., the enrollment of Florence H. and March G. will be completed, when he furnished this Commission with satisfactory proof of their birth.

Later:

Com'r Needles: Benjamin F. Maxwell presents duly certified certificate of marriage, certifying that he was married to one Miss Ora Haskendorf in the County of Warren, State of Ohio, on the 5th day of March in the year 1888; being previous to his admission as a citizen of the Cherokee Nation, which was in November 23rd, 1888 according to the certificate of admission that he presents; certificate if voluminous and not in condition to be filed, but upon examination is thoroughly satisfactory.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) M.D.Green.

Subscribed and sworn to before me this 3rd day of Sept. 1900.

(SIGNED) C.R.Breckinridge.

18

George R. Smith, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy of the testimony herein from the original and that the same is true and complete.

George R. Smith

Subscribed and sworn to before me this 3rd day of March, 1904.

J. Rosen
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.
MUSKOGEE, I.T., FEBRUARY 28th, 1901.

IN TESTIMONY WHEREOF THE TEST. OF Benjamin F. Maxwell for the enrollment of his wife, ORA H. MAXWELL, a citizen of the Cherokee Nation, and said Benjamin F. Maxwell being sworn and examined by Commissioner T. B. Needles testified as follows:

- Q What is your name? A Benjamin F. Maxwell.
- Q What is your age? A Forty six.
- Q What is your postoffice? A Strasburg, Indian Territory.
- Q What district do you live in? A Illinois.
- Q Are you a recognized citizen of the Cherokee Nation?
- A Yes, sir.
- Q Whom do you want to enroll now? A My wife.
- Q What is her name? A Ora H.
- Q What is her age? A Thirty-five.

Com'r T. B. Needles: Applicant presents a certificate of marriage certifying that on the 15th day of March, 1889 said Benjamin F. Maxwell was married to one, Ora Hackendorf, according to the laws of the State of Ohio.

- Q Is Ora Hackendorf your first wife? A Yes, sir.
- Q Are you her first husband? A Yes, sir.
- Q Have you been living with her continuously since you married her? A Yes, sir.
- Q Living with her now? A Yes, sir.
- Q When did she first come to the Cherokee Nation? A '93.
- Q Been living in the Cherokee Nation continuously since that time?
- A Yes, sir.
- Q When were you admitted to citizenship? A '88.
- Q When did you remove to the Cherokee Nation? A I came at the same time I was admitted.
- Q You were readmitted on the 23rd day of November, 1888? A Yes, sir.
- Q Did you come to the Cherokee Nation before you married Ora Hackendorf? A No, sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q You were married in Ohio? A Yes, sir.
- Q Before that, you had lived in Ohio for some time?
- A Yes, sir, six years, I had been teaching in the University.
- Q You came out here in 1893 first? A Yes, sir.
- Q Were you here before you were readmitted? A No; my brother Lark and brother Charlie; we were all admitted at the same time.

By Commissioner T. B. Needles:

- Q When did you come to the Cherokee Nation after you were readmitted to citizenship in 1888; what year did you come here?
- A '93.
- Q Do you testify that you did not remove to the Cherokee Nation until the year 1893? A Yes sir, that is correct.
- Q The Act that admitted you provided that you should return to the Cherokee Nation within one year after the passage of the Act; you were admitted in 1888; you never came until 1893; you have not complied with the law? (No response)

ORA H. MAXWELL, being sworn and examined by Commissioner T. B. Needles testified as follows:

- Q What is your name? A Ora H. Maxwell? A Yes, sir.
- Q What is your age? A Thirty-five.
- Q When the certificate presented by your husband states that you were married to him on the 15th day of March, 1889, is that correct?
- A Yes, sir.
- Q That was in the State of Ohio? A Yes, sir.

Q How long did you live in the State of Ohio before you removed to the Cherokee Nation? A After we were married, we lived there about four years and six months.

Q And then removed to the Cherokee Nation? A Yes, sir.

Q Mr. Maxwell made a mistake when he applied for the enrollment of himself and children, because he swore he removed here within a year after he was readmitted; he moved here in 1889?

A We did not move here in 1889.

Q He was mistaken then, was he? A Yes, sir; we secured property in the Cherokee Nation; we were in school; my husband was teaching and attending school at the time of your marriage and I was attending.

By Benjamin F. Maxwell:- I was not a citizen there, so was not voting or anything of the kind.

Q (By Com'r. T. B. Needles: You never voted in Ohio?

A No, sir, and I owned part of the place where we now live, and had for --

Q You presented proof when you were here before that you married in 1888; that was a mistake? A Yes sir.

Applicant, Ora H. Maxwell identified on the Roll of 1896 of the Cherokee Nation as follows:

Page 932, #124, Ora H. Maxwell, Illinois District.

Com'r T. B. Needles: The name of Ora H. Maxwell is found upon the census roll of 1896; she presents satisfactory proof, which is filed herewith, that she was married to one, Benjamin F. Maxwell on the 15th day of March, 1889, and the said Benjamin F. Maxwell was duly listed for enrollment as a Cherokee citizen by blood on the 24th day of August, 1900, Card Number 1969. The evidence produced today shows that the said Benjamin F. Maxwell did not remove to the Cherokee Nation until the year 1893; the evidence in his case, which is referred to, shows that he was readmitted to Cherokee citizenship in the year 1888, the provision of the Act admitting him providing that he return to the Cherokee Nation within one year from the passage of the Act, and the Act, as the testimony shows, was approved on the 23rd day of November, 1888.

The applicant is duly identified; by reason of the fact of her not removing to the Cherokee Nation until the year 1893, more than one year after the passage of the Act readmitting her husband; final decision as to her enrollment will be suspended and her name will be placed on a doubtful card.

In connection with the enrollment of her husband, Benjamin F. Maxwell and her children, reference is made to the testimony taken in this case, which conclusively shows that said Benjamin F. Maxwell was mistaken in the testimony he gave as to his own enrollment, where he testified that he had removed to the Cherokee Nation within a year of the passage of the Act readmitting him; consequently said Benjamin F. Maxwell and his children as enumerated in the testimony given by him as to his enrollment, and enrolled with him should be placed on a doubtful card and final judgment as to his enrollment should be suspended.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) R. R. Cravens

Subscribed and sworn to before me this 28th day of February, 1901,

(SIGNED) T. B. Needles,
Commissioner.

George, E. Smith, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, the above and foregoing is a true and complete copy of the original testimony now on file in the Cherokee Land Office.

George E. Smith

Subscribed and sworn to before me this 3rd day of March, 1904.

J. P. Patten
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T., February 7, 1902.

SUPPLEMENTAL TESTIMONY OF PETITORS OF APPLICANTS, in the matter of the application of Benjamin F. Maxwell for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

Applicant, in person;
W. W. Hastings, of attorneys for the Cherokee Nation.

BENJAMIN F. MAXWELL, being first duly sworn, and being examined, testified as follows:

BY COMMISSION:

Q. What is your name? A. Benjamin F. Maxwell.

Q. How old are you? A. Well the way I have been taught I was born in 1855.

Q. What is your post office address? A. Braggs, Indian Territory.

Q. When you appeared before the Commission on the 24th day of August 1900 at Fort Gibson, Indian Territory, in reply to the question, "Were you a resident of the Cherokee Nation within one year from the 23rd day of November, 1889?" You answered, "Yes sir." Now you subsequently appeared before the Commission at Muskogee on the 28th day of February 1901, and in reply to the question, "When did you come to the Cherokee Nation after you were re-admitted to citizenship in '88?" You said "In '93." Now which of the two dates is correct, when did you come to the Cherokee Nation in '89 or '93? A. Why I come in '93.

Q. Then the statement which you made 24th day of April saying you returned in '89 was incorrect, was it? A. Well whatever way the question was asked there was a mistake in my understanding what the question was.

Q. I say then if you stated at Fort Gibson that you come here in '89 that was a mistake was it? A. Yes sir, but, the way it should have been answered, as to when I was a citizen; you see three of us, my brothers came and purchased our farms; you see our old home was sold in '72 and three of us were re-admitted at the same time, brother Mark, and Brother Charley and myself, that was in '86.

Q. How long after you were admitted was it before you actually came to the Cherokee Nation and resided there? A. I never came until 1893, but my misunderstanding entirely to have answered that way was that I was considered a citizen as I understood it, because then my home was out here before the expiration of the one year which was given us.

Q. Now you were aware that that certificate of readmission, or that act of the Council rather, provided that you should be entitled to citizenship in the Cherokee Nation, provided you returned to and located in the Nation within one year after the passage of that act, were you not? A. Yes sir.

Q. Why did you not come to the Cherokee Nation within one year after the passage of that act? A. Well the returning was, just the reason why, I couldn't come then, my two brothers they come on to buy places for each one of us, which they did.

Q. Right when was that? A. Well that was in shortly after '88, they came and bought the places.

Q. Did you come at the same time? A. No sir.

Q. First time you actually came was in '93? A. That is the first time I came was in '93, on the 6th of May, 1893, is when I actually returned, but my brothers were negotiating to buy me a place too, and we had the places before the expiration of that time and I came as quick as I could and as quick as I come I built the home I now have.

W. W. HASTINGS:

Got a bill of sale to the home you have now? A. Yes sir.

Q Did you ever have one? A Yes sir, there is a bill of sale, my brothers, we have looked high and low and we have not found it yet.

BY COMMISSION:

Q Any other statement you desire to make? A Yes sir.

Q Well make it as brief as possible? A My statement is this: I was fully aware that '93 was after the expiration of the act; I was fully aware of that, and when I came my procedure immediately was to find out what the requirements in my case was; well the first person I went to was Mr. Benga, Houston Benga. I went to him to get advice in regard to what the procedure was; well we were then, - the enrollment in Illinois District was at Vian, the requirement, - my other two brothers and myself went to be enrolled at Vian.

Q What year was that? A That was in '93, just shortly after I came, about June after I came.

Q Was there a census taken in 1893? A Yes sir, there was an enrollment then.

Q Did they enroll you at that time? A Well I was going to tell just what I did; when I went to Vian to be enrolled and my brothers, Judge Sanders said you must have some one to identify you, us, brother Armstrong was the brother that was never out of the Territory, he was then at Fort Smith as a witness in the court; I went to Fort Smith and went to Judge Parker to get my brother excused in the case, after explaining to him thoroughly why I wanted his testimony.

BY MR. HASTINGS:

Q Well did he identify you? A Did who?

Q Your brother? A Brother Armstead?

Q Yes? A Judge Parker permitted him to go with me -

BY COMMISSION:

Q Did your brother go with you before the tribal authorities and identify you? A He had to be excused -

Q Well, did he identify you; I don't care whether he was excused or not? A Yes sir, he went before the census takers.

Q Did he identify you? A Yes sir.

Q Did they enroll you? A Yes sir.

Q Did you draw the money in 1894? A Yes sir.

Q Now you want your brother to testify in this case? A Well I wanted to testify more to show that I wanted to come and get here right, that's exactly what I wanted to do; I want to know to my own people that I am not trying to steal my way in.

Q Well don't talk about that. A In order that this should still be put before my own people, I had no Commission to go to then, in the fall brother Armstead said well Frank, it would be better for us to go to the Council at Tahlequah and have the thing attended to; well in the fall my brother had a load of wheat to take, when time for the Council to convene at Tahlequah, we went; well I says to my brother, give me an introduction to our chief, Harris was then the Chief of the Cherokee people at Tahlequah; he give me an introduction; we went to his office, he invited us in the office and I stated the whole thing to him. Well through my brother we both talked to him, after he had heard it thoroughly through, he said, have you the enactment? I told him I did not have it; well he asked me when the enactment was made, and I says isn't it on the record? he stutted a little while, why, he says, of course it is if it was ever made; we went right with him, he went and hunted it up himself, the enactment that had re-instated us and he found it; looking at it, why, he says the signature is there, why he says, that is my own name, I was Executive Secretary at the time, that is my name; well he looked through and asked me if I was then a citizen here and if I was living here; I told him I had just moved and was building a home; well then I told him the circumstances of our enrollment at Vian; now, I says, I want advice from you just

what should be done in the case. He studied a little while; he says, if you are enrolled as you and your brother have stated, you come before the Council and they will examine this enrollment of you and your brothers, no objection is taken to it it is all right if they make objection I will attend to the business myself and notify you and have you come. Well I went the other day to see about it; well there was no objection made to the enrollment.

BY COMMISSION:

Q Has your citizenship ever been disputed since that time? A It has never been questioned. I asked him, I says Judge, or Chief, if I was looked upon as not a citizen-
Commission: That does not strengthen your case, one particle, I wont put that in the record, it is encumberin- it and it is getting late.

If you have anything more to say to effect your case you have the privilege of saying it, making any other statement.

A What I have mentioned is the history of my procedure to be made a citizen I think.

Q That's all you have to state yourself? A That's all I have to state.

Q You want your brother sworn and examined in this case? A Yes sir, because he was my witness in regard to it.

ARMISTEAD MAXWELL, being first duly sworn, and being examined, testified as follows:

BY COMMISSION:

Q What is your name? A Why my name is A. Maxwell.

Q What is the A for? A Well it is enrolled-

Q I don't care what it is enrolled, but what is your name? A Armistead Maxwell.

Q How old are you? A Sixty years old.

Q What is your post office address? A Wann, I. T.

Q Are you acquainted with the applicant, Benjamin F. Maxwell?

A Yes sir.

Q How are you related to him? A We are brothers.

Q Were you ever admitted to citizenship in the Cherokee Nation by the Council? A No sir, I never was out of the Cherokee Nation.

Q Have you lived here all your life? A Yes sir.

Q Did your brother ever apply to the Council for admission? A Yes sir, they was re-admitted here by the Council.

Q When was that, do you know? A Well my recollection was, I thought it was in '89.

Q Was your brother living here at that time? A No sir.

Q When did he first come to the Cherokee Nation after that? A He come here in '93.

Q Where was he born? A He was born near Fort Gibson in Illinois District, about a mile and a half from Fort Gibson.

Q Where was he living when he was readmitted to citizenship? A He was living in Lebanon, Ohio.

(Applicant is asked if he wants to question witness.)

Applicant: I don't know; just ask what question you asked me if I wanted to ask.

COMMISSION: Any question you want to ask him bearing on the case you have the privilege of doing it.

Applicant: Was your brothers enacted in '88or '89?

BY HASTINGS: The date will from from that.

Applicant: Were you identified, all three of us? A They identified you, of course I was the one that identified you before Sanders.

BY MR. HASTINGS:

Q That was in making the roll upon which the strip money was paid out? A Yes sir.

Q Just before the Strip payment then? A Yes sir, and of course they had to be identified before he would enroll them.

Q As being those parties that were admitted? A Yes sir.

Q And you appeared there to inform him as to their being these parties? A Yes, I was there to identify them.

BY COMMISSION: This testimony will be filed and made part of the record in the matter of the application of Benjamin F. Maxwell et al., Cherokee D-1135.

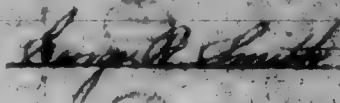
M. D. Green, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) M. D. Green.

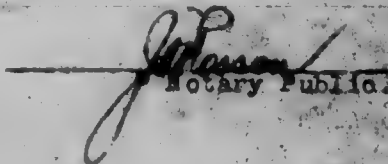
Subscribed and sworn to before me this February 13, 1902.

(SIGNED) T. B. Needles,
Commissioner.

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, the foregoing is a true and correct copy of the original testimony taken in the above entitled case now on file in the Cherokee Land Office.



Subscribed and sworn to before me this 4th day of March, 1904.



Notary Public.

(COPY)

Senate Bill
No. 14.

An act readmitting citizens into the Cherokee Nation.

Be it enacted by the National Council: That the following names, Benjamin F. Marcus, and Charles L. Maxwell, Emily, Mary E. Sarah E. R. Lucy C. Wallace H. and Adda C. Clark and Elizabeth Payne, be and the same is hereby readmitted to all the rights and privileges of Cherokee citizenship. Provided they return to the Cherokee Nation within one year after the passage of this act, and all whit men who have married the aforesaid Cherokee women must be married according to the laws of the Cherokee Nation, regulating intermarriage between Cherokee women and citizens of the United States.

Passed Senate Nov. 22-1888

M. Daniel

Clk Senate,

Concurred in by the House, Nov. 23rd 1888.

Lacy Hawkins

President Senate.

Robert Meigs,
Speaker of Council.

R. B. Choate, Clk of Council.

Approved Novem
ber 23rd 1888.

J. B. Mays,
Prin. Chief.

Executive Office Cherokee Nation,

Tahlequah, I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy from the record of laws made and filed in this Office and in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 7th day of March 1902.

W. E. Alberty,
Assistant Executive Secretary,
Cherokee Nation.

(SEAL)

GRS

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(11) JUN 1871

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

In the matter of the application of Benjamin F. Maxwell for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by G. W. Benge.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to wit the 20th day of March, 1902, appears in person and by his attorney, G. W. Benge.

B. F. MAXWELL, the applicant, being first duly sworn, testified as follows:

MR. BENGE: What is your name? A B. F. Maxwell.

Q What is your age? A That is, at present?

Q Yes, sir. A Well, as well as I know it is about 48 or 49.

Q I think you have made a statement in your behalf before? A Yes, sir. Well, in '88 or '91, or '90 or '91 and '92, I was at Lebanon, Ohio.

Q Go ahead and state in that connection, tell what you were doing? A Well, during that time I was teaching in the university at Lebanon, Ohio, the National Normal University, and my wife was pursuing the literary course, scientific course and medical course, as it was taught there and at Cincinnati, and during that time I was admitted in 1888.

MR. HASTINGS: What time? A Well, the exact date, 1888 I think it was in. Well, it was in the fall, council was in session at Tahlequah, I don't know the exact date, I know sometime in November when we were admitted, us three together. But while my wife was in college during that time I was then working there making the money necessary to support my family and have my wife pursue the course that she was taking, so I was then practicing medicine there and teaching in the university. Well, during the time that I was there my two brothers, Brother Marcus and Brother Charley came, and the time for us to return—we had a year to come in. They came—now in order that the Cherokee law might be carried out my wife was at her work there and my brothers came both together according to the Cherokee law, and Brother Charley—

MR. HASTINGS: Tell when you come? A I believe I am coming to the point.

COMMISSION: Well go on. A My brother Charley proceeded me here and selected the place I wanted.

MR. BENGE: Well, did he buy a place before you came at your solicitation for you in the Cherokee Nation? A Yes, sir, he did, my other brother came as my agent to purchase the place.

Q Well, who did they buy the place from if you know? A Why the man they bought the place from was an old colored man named Roach.

Q What was his given name? A Daniel Roach.

Q Well, do you still own that place? A Yes, sir, I am living on it.

Q When was it that you bought this place, what year? A Why my brother Charley proceeded me, and then he left my place in October.

Q Well, what year? A '88, October '88.

Q '88? A Yes, sir, I got those two mixed, the time that I came here and the time I got the place, those dates.

Q Well, did you keep that place up ever since? A Yes, sir.

Q Before you came here, even? A Yes, sir.

Q You had a tenant on it? A Yes, sir, my brother attended to it until I got here, when I took possession and am living on there now.

Q Have you a bill-of-sale of the place from Daniel Roach? A Why I have—

Q Well, have you a bill-of-sale, answer my question? A I have a bill-of-sale, I haven't the original, because we could not find it.

Q The original bill-of-sale is lost? A Yes, sir.

Q Have you any other showing? A Yes, sir.

Q To that fact? A Yes, sir, we have.

Q Well, a showing as to what you paid to the man that you bought it off? A Yes, sir, one hundred dollars.

Q Well, you have been recognized as a citizen of the Cherokee Nation by the authorities of the Cherokee Nation? A Yes, sir.

Q You have gotten permits from the Cherokee Clerk to work non-citizen labor? A Yes, sir. I have paid for my permits ever since I have been here.

COMMISSION: There is offered in evidence by the attorney for the applicant a permit showing that one Dr. Maxwell, a citizen of the Cherokee Nation, was given the authority to employ noncitizen labor. The same will be filed and made a part of the record.

MR. BENCE: Have you otherwise than this application, and having been granted permits, been recognized by the Cherokee authorities as a citizen of the Cherokee Nation? A Yes, sir.

Q Well, now, is there anything else that you know of that you want to make clear or state further in your application. If not, of course that is all I wanted to ask you.

COMMISSION: Do you want to make any further statement? A Well, that is all I see in regard to just what they wanted to know.

CHARLES L. MAXWELL, being first duly sworn, testified as follows:

MR. BENCE: What is your name? A C. L. or Charles L. Maxwell.

Q How old are you? A I was born in '57, 8th of February, '57, according to my accounts.

Q Why what is your blood? A Cherokee, mixed blood.

Q Are you on any of the old rolls that is, containing Cherokees' names, names of Cherokee citizens? A I drew—

Q Answer yes or no. A I think not, that is, old settler roll.

Q Well, that is what I am asking you, are you on the old settler roll?

A No, sir, but I drew old settler money.

Q As a descendant of some old settler? A I was born right after the roll and couldn't have been on it.

MR. HASTINGS: This testimony is clearly objectionable and not admissible because this man claims through a certificate of admission, and it is not admitted that that man now has Cherokee blood in him. It is a question of whether or not his return subsequent to that time entitled him to enrollment.

MR. BENCE: At the time you came to the country here, when did you come to the country under that admission of 1888? A Why I come and visited my brother several years before that. Q After '88? A After '88. I came within the year, just before the year was out. I had the year to come back in.

Q Within a year after the admission? A Yes, sir.

Q Well, what did you do when you came? A Why I went and made purchase of a place that I had, well arranged to buy for us brothers before I returned.

Q What brother was that? A Well, I returned with my brother Marcus and my brother here was in college and couldn't come, and my

had to represent him.

Q What brother was that? A Dr. B. F. Maxwell.

Q You say you bought a place for him? A Yes, sir.

Q What place was that? A That is the old Roach place, Daniel Roach place on Little Green Leaf, one mile east—

Q Does he own that place yet? A No, sir.

Q You say he don't own it? A Why my brother owns it, I thought you meant Roach.

Q Well, who purchased it, you say you purchased it for your brother?

A Why he and my other brother bought it together, and I kept it.

Q Through who? A Why I and my brother Marcus bought it.

Q By authority from who? A Well, he was purchasing it with us, Doctor couldn't come, and we had to keep his rights according to Cherokee law that way.

Q I didn't ask that question; by what authority did you buy this place, you and your brother? A I visited him in Lebanon to let him understand that we could do this, and he had a copy of the Cherokee laws there at the time, and he knew he could secure his rights without coming.

Q Well, you haven't answered my question yet, by what authority did you purchase this place?

COMMISSION: Who authorized you to buy the place? A Why, Doctor authorized it.

MR. BENCE: Dr. who? A My brother, the doctor here, authorized us to buy it as far as to help to pay for it was concerned.

Q Well, to buy it for who? A Well, for us brothers, Maxwell brothers.

Q Have you a place yourself? A Yes, sir.

Q How many brothers are they of you? A Three, excepting one that never left.

Q Well, has the other brother a place to himself? A You mean my brother Marcus?

Q Yes, sir. A He bought—

Q Well, just say yes or no, if you know; now and who owns this here place, Daniel Roach? A Doctor never sold it, he has always kept it since then.

Q He owns it yet? A Yes, sir.

MR. HASTINGS: Did you have a family when you come here after you were readmitted? A I never was married until last year.

Q Did your brother other than doctor here have a family, you had the two brothers? A No, sir, he was not married then.

Q How much of a place was there in the Daniel Roach place at the time you bought it? A It held according to—

Q How much of a place was there then? A Under fence there wasn't I expect more than twelve or fifteen acres.

Q You bought it, with all this other public domain, million acres not in cultivation in the Cherokee Nation, you all three had to combine to buy a twelve-acre place, is that what you wanted to state on the stand? A Well, yes, sir, well it held a quarter all around.

Q Well, there was not but twelve acres in cultivation? A Well, of course it wasn't all under cultivation.

Q Well, wasn't there thousands of acres all over this country not cultivated? A It was held in monopoly.

Q But all three of you had to combine to buy a place with only twelve acres in cultivation; will you say yes or no? A Well, that's what we bought at that time.

COMMISSION: You submit the case to the Commission?

MR. BENCE: Yes, sir.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final consideration hereat.

upon the evidence now of record. The attorney for the applicant
requests and will be granted ten days in which to file a brief in the
case, one copy with the Commission and one copy with the representa-
tives of the Cherokee Nation.

I, Arthur S. Greening, do hereby certify that the stenographic
report submitted to the Five Civilized Tribes is correct in all the
statements and proceedings in the above case, and that the foregoing
is a true and complete transcript of my stenographic notes thereof.

Arthur S. Greening

(COPY)

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T., June 10, 1902.

In the matter of the application of Benjamin F. Maxwell et al
for enrollment as citizens of the Cherokee Nation.

Cherokee D 1135.

Brief on part of the Cherokee Nation.

The Commission is asked to scrutinize the testimony in this
case very closely as there are so many contradictions and efforts
that conceal there in. When Benjamin F. Maxwell first made his ap-
plication he testified that he was readmitted to citizenship in 1888
and the certificate of the readmission showed that there was a pro-
vision in the act requiring that he remove to and permanently locate
within the limits of the Cherokee Nation within one year thereafter.
He stated at that time that he had removed to the Cherokee Nation in
1899, upon this statement he and his family were enrolled upon a
regular Cherokee Card. Nothing at that time was stated to indicate
but that he had continuously resided in the Cherokee Nation since
that time. He did not then depend upon any constructive residence
nor did he say anything about the purchase of any improvement.
The subsequent testimony develops the fact that he did not come to
the Cherokee Nation in 1899 but that he removed to the Cherokee Na-
tion the first time after the passage of the act readmitting him, in
1893 or a period of about five years after he was readmitted to
citizenship.

As an afterthought he pleads that he and his two brothers had
bought a small twelve acre farm down near Friggs but you will notice
they do not bring Daniel Poach here to testify that the place was
sold to Benjamin F. Maxwell, neither do they produce any bill of
sale to show that this place was purchased for him and in the light

of the concealments and the contradictory statements made in the previous statement of Benjamin F. Maxwell we think it is the duty of the Commission to entirely discredit his whole statement. Instead of coming to the Cherokee Nation the next year the testimony shows that he was married in Ohio in 1889 and that he lived ~~xxx~~ there with his wife until 1893; It is incredible to believe that with as much public domain as there was in the Cherokee Nation thirteen years ago when it was publicly known that there were millions of acres of land at that time lying idle subject to ~~xxx~~ be located upon by citizens of the Cherokee Nation that three brothers would purchase so small a claim as twelve acres out of which to take their allotments. This was not thought of ~~xxxx~~ when the first application was made and it was never thought of until after a doubt had been expressed as to the right of the Commission to enroll the applicants when for the first time they began to seek an excuse for the applicants not coming to the Cherokee Nation within the time prescribed by the act admitting him. The fact that he is upon the 1894 or 1896 roll does not entitle him to be admitted to citizenship in the Cherokee Nation if he did not come within one year after he was readmitted because the 1894 and 1896 rolls are not rolls of the Cherokee Nation as the Commission is well aware, neither of these rolls were ever authenticated. The Cherokee National Council specifically said when it made the 1894 roll as a pay roll that it would not be bound by it and the report of the Census takers in 1896 was never confirmed or authenticated by the National Council because that roll was regarded as an imperfect one.

Benjamin F. Maxwell having been conditionally admitted to citizenship in the Cherokee Nation and clearly not having complied with the conditions of the act readmitting him we do not see how the Commission, under the law would be justified in enrolling him .

Respectfully submitted,
Attorney for Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF CIVILIZED TRIBES.
Muskogee, B. T., October 22, 1902.

In the matter of the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred, Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood, and for the enrollment of his wife, Ora M. Maxwell, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

ORA MAXWELL, being sworn, testified as follows:

By the Commission:

- Q. What is your name? A. Ora M. Maxwell.
 Q. How old are you? A. Thirty-seven.
 Q. What is your postoffice? A. Franks.
 Q. Are you a white woman? A. Yes, sir.
 Q. Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A. Yes, sir.
 Q. What is your husband's name? A. B. F. Maxwell.
 Q. Benjamin F.? A. Benjamin F. Maxwell.
 Q. Is he a Cherokee by blood? A. Yes, sir.
 Q. How long has your husband been living in the Cherokee Nation?
 A. He was born here in the Cherokee Nation, and was taken away when a child and returned in '83.
 Q. Was he readmitted, do you know? A. Yes, sir.
 Q. He was readmitted when? A. He was readmitted in '88.
 Q. In '88? A. Yes, sir.
 Q. And came here in '89? A. Yes, sir.
 Q. Has he been living here ever since, '89? A. Yes, sir.
 Q. When were you married to him? A. March 15, '89.
 Q. Where were you married? A. Lebanon, Ohio.
 Q. Did he have a copy of the Act of the Cherokee National Council admitting him to citizenship in '88? A. It is on file here with the Commission.
 Q. When did he file it? A. My husband presented it when he made application for admission at Fort Gibson and it was returned to him with his own name and the names of his two brothers, admitted at the same time, were included in the same copy and my husband retained the copy and it was sent to one of his brothers, and Mr. Smith filed it at the enrollment at Bartlesville.
 Q. Mr. Smith? Who is he? A. The papers were sent to Doctor's brother by Mr. Smith's son who was to meet him and the papers were handed to the Commission.
 Q. What case were they filed in? A. They were filed at the time my husband's brother was enrolled.
 Q. What was his name? A. Marcus Maxwell. My husband's brother had left there and they were just left with the Commission.
 Q. What is the name of your husband's other brother? A. Charles L. Maxwell. Well, if it should develop that it is not filed in any of these cases, we have a copy.
 Q. At home? A. Yes, sir, we have another copy.
 Q. Is Benjamin F. Maxwell your first husband? A. Yes, sir.
 Q. Are you his first wife? A. Yes, sir.
 Q. Have you and your husband been living together ever since you were married? A. Yes, sir.
 Q. Never been separated? A. No, sir.

- Q And you are living together now? A Yes, sir.
Q Have you made your home in the Cherokee Nation ever since '93?
A Yes, sir.
Q Never lived anywhere else? A No, sir.
Q How many children have you by your husband, Benjamin? A Five.
Q Are they all living? A Yes, sir.
Q What's your oldest named? A Alfred Leonard.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

(SIGNED) Retta Chick.

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

(SIGNED) P. G. Reuter,
Notary Public.

(SEAL)

George R. Smith, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy of testimony from the original now on file in the Cherokee Land Office and that the same is true and complete.

George R. Smith

Subscribed and sworn to before me this 3rd day of March, 1904.

J. P. ...
Notary Public.

(COPY)

Fraggs, Ind. Ter., Oct. 29th, 1902.

The Commission to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Honorable Sirs:

You will find enclosed a copy of the "Act" readmitting my husband, Dr. H. F. Maxwell, to citizenship, as requested when I appeared before a representative of the Commission Oct. 28, so that you will have a copy in case the original copy presented cannot be found. However, I would like to enquire if it were really necessary for him to have been readmitted, when all the circumstances are considered. Sec. 2 of Article 1 of the Constitution of the Cherokee Nation says "Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease." Now, Dr. Maxwell's parents did not take their effects with them when they left this country. His mother was a half-breed and one of the original old-settler Cherokees and his father was a native of New York whose sympathies were wholly with the Union cause during the Civil War. While he had a son to join the Union Army he himself was too old, and his life being constantly in danger he decided for personal safety to temporarily leave this country and they were obliged to flee, leaving behind uncared for, home and crops, cattle, horses (I was told by an old man now dead that he owned about 40 head of horses some of them very valuable) household effects, etc., a large portion of which was appropriated by the soldiers. His father intended to take his family to New York where his people lived, but at Mitchell, Ind. his mother and sister were taken ill and both died. The journey that far had been made through many difficulties and at great expense, which, together with the illness of his family made it financially impossible for them to proceed farther, he decided to remain there and place his children in school and give them better advantages than they had in the Territory before returning, but he died before Dr. Maxwell had completed his education, giving as his last advice that he complete his literary education, take a Medical Course, and then return to the Territory, this he did with considerable difficulty and the consuming of much time as he taught school to earn his money for his college course, teaching and attending college by turns. We thought it best for me to also take a Medical course before returning to the Territory, which I did, completing my Scientific and Medical courses after our marriage in 1889. We carefully considered the advisability of returning to the Territory before the expiration of the year granted him in the act of readmission, but having secured a home in the territory we decided to remain in Lebanon, O., awhile longer and continue our studies. When we finally decided to return to the Territory in 1893, before our coming Doctor's brother, Armstead, who had never left the Territory consulted some of the Councilmen as to whether it was necessary for Doctor to be readmitted again, he having failed to return according to the conditions of the first readmission, and they told him to come on and if it was necessary they would readmit him again. Of course we wanted to know what we were doing, and do nothing contrary to law; besides our coming involved an expense of several hundred dollars in our own car fare and that of my maid and brother, who was a member of our household and the bringing of a car load of household goods. As soon as Council convened in Nov. '93 my husband went to Talequah to see about being readmitted again. He first consulted the Chief, he being the highest

authority to whom he could appeal and he told him it would be unnecessary for him to be readmitted again, as the rolls that were being made would be carefully passed upon by Council and if any objection was made he himself would notify him, which he never did.

If his securing a home in 1889 did not fulfil the requirements of the law, would not this recognition of his name on the rolls as a citizen be equivalent to readmission otherwise than by special act, for it seems to me the Cherokee laws indicate that there are other ways of being admitted to citizenship than by special act or I do not understand the meaning of the word otherwise occurring on the bottom of page 270 of the Cherokee laws where it says "Be it enacted by the National Council, That all those persons, who have, by special act or otherwise been readmitted, etc." Further I might say that our little son, Clydes' name was placed on the rolls by special act of the Council of 1894 that my husband was given "permits" to employ white citizens, that his name was placed on the rolls of '93 and '96, and on the "Old-Settlers" Roll when he received his proportion of the money due his mother and sisters as Old Settlers; that he has always been permitted to vote without a question, that our children have always been granted the privileges of the Cherokee schools, that we never in any way have been looked upon by the Cherokees as other than Cherokee citizens. We only want what we are justly entitled to and do not want in any way to violate law, and certainly a great injustice has been done us if we have been permitted for 10 years to reside here with our citizenship unquestioned when we have no right here, as Sec. 128 Article 25 of the Cherokee laws plainly says that we should have been reported for removal if we were here unlawfully. And certainly it has been the height of injustice to permit us unquestioned to give 10 of the best years of our lives to making us a home and putting improvements upon land that was not our own, worth several times the value of the land.

We are not, and have been ever since returning, living upon the land secured in 1889, and by reference to the maps of the geological survey of '96 you can see our improvements were of importance enough to be noted. I might have said that Doctors eldest brother returned to the old homestead at the close of the war and made his home there till (I thought I could find the exact date from an old letter but the letter dated 1881 says Armstead Maxwell sold the old homestead to S. H. Bengel) when he sold it and bought other land with the money.

Now we know the Commission is composed of honorable men who desire to be just with even the humblest citizen, and if our case can only be properly presented to bring out the facts we are certain only one conclusion can be reached and with the knowledge of the justness of our cause and your desire to mete out justice I have presumed to write this lengthy letter. Of course if our names have already been removed from the doubtful list this letter is of no consequence, but if no decision has been reached I hope this letter will assist you to at least some extent in reaching conclusions and that we will receive early information as to same.

Very Respectfully,

Ora H. Maxwell,
Briggs, Ind. Ter.

P. S. If the other act of readmission is found kindly return this copy.

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

In the matter of the application for the enrollment of
Benjamin F. Maxwell et al as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENTS.

An examination of the 1874 strip payment roll of the
Cherokee Nation shows that the applicants, Benjamin F. Maxwell,
Alfred L. Maxwell and Elmore A. Maxwell, by the name of Blanche
Maxwell, are identified therein as follows:

- Page 504, Illinois District, 1874, Benjamin Maxwell,
- Page 502, Illinois District, 1874, Alfred L. Maxwell,
- Page 504, Illinois District, 1874, Blanche Maxwell.

It is ordered that this statement be made a part of the
record herein.

C. R. Beckwith

(COPY)

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

At Muskogee, I. T., March 25, 1902.

In the matter of the application of Benjamin F. Maxwell, for the enrollment of himself and his minor children, as Cherokee Citizens by virtue of Cherokee blood " 1135".....

In obedience to a notificate to the said B. F. Maxwell, of the time for final hearing and closing of said case by the Commission, appeared in person and by his attorney, George H. Renge, and agreed that the case be submitted for final decision to the Commission, with leave of filing Brief in behalf of said applicants.

-----Brief-----

The contention of the applicant in this case is, That he is a Cherokee Citizen by virtue of Cherokee blood, having been born and lived in the Cherokee Nation, near Fort Gibson, until quite a lad, when his parents taken him and his other brothers while he was a minor, That he was taken in to the state of Indiana, where his parents died, and was there left to get back to the Nation as best they could. That he was recognized and readmitted to all the rights of citizenship in November 23rd day 1888, That he did not personally move in to the Cherokee nation until about the 6th day of May 1893, That the certificate of his readmission required that he return within one year from the date thereof, That he did through his brothers purchase a place for his home in said nation, within the time limited for his return in said certificate, That he did thus acquire his present home near Braggs, I. T. up on which he is now residing, having married his present wife Ora H. Maxwell, in the state of Ohio, and by the said marriage have had born to them five childrens whose names are given in the testimony. And it is by virtue of their Cherokee blood that they are entitled to be enrolled as Cherokee citizens, and as a reason further, why they should now be so recognized.

SECOND. That he and his children then living were listed and enrolled as citizens of the nation, and as participants in the 1894 per capita payment, by the census taker, George O. Sanders, on behalf of said nation, and that they did participate in said payment, and was again received and enrolled on the 1896 roll, and since his returning to the nation has otherwise been treated as a citizen by the constituted authorities thereof. And for the further fact, and reason,

That by his act of acquiring a home within the nation and within the time as defined in said certificate of readmission, he did constructively come as was required by the terms of the certificate, "within one year from the date thereof," when by an understanding with his brothers, who did return within said time, that the said Act of purchase was equivalent to his coming and making the purchase in person, and within the time specified, That the place was purchased for him is evidenced by the fact that he alone owns the place with no other interest in it, save that of his wife and children. That should he have come and made the purchase as did his brothers for him he could have returned to the state of Ohio, or any other state, for any length of time other than that defined in the constitution, and return at will, so that such act did not come within the meaning of the constitution, as to lose his right thereby, as in the present case, it is questionable whether it was actually necessary that they be readmitted, because their leaving the country was not a voluntary act of their own, if they were taken out of the country when minors, and this is the evidence in the case, then if this be true, this case not come within that class of persons alluded to in the constitution, But that such person must be competent to act as therein defined, possessed of free agency to act, and with a knowledge of the ultimate result and consequences thereof. It was because the authorities of the Cherokee Nation had cognizance of all of the above facts, that they have been received and accepted as citizens of

said nation by its authorized officials of the nation. (see pay roll of 1894, the 1896 roll, and his right to employ nondcitizens, permit filed.) It is in view of the above facts thus briefly quoted, That applicant should now, as before, be received and listed for enrollment by the honorable Commission, as Cherokee Citizens by birtue of their cherokee blood.

Respectfully Submitted,

G. W. Benge.

Attorney for applicants.

GRS

SERIES A.

Act of November 5th 1898.

No. 25717

Cherokee Nation, Illinois District.

Permission is hereby granted Dr. Maxwell a citizen of the Cherokee Nation, to employ G. D. Cardley as a farmer for the term of ONE MONTH from this date. 1st May.

FIFTY No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued. CENTS.

Given under my hand and seal of office, this the 10 day of April 1898.

Henry C. Weigs,

(Seal)

Clerk Illinois District.

Countersigned: E. K. Starr,

Treasurer Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., December 31, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Benjamin F. Maxwell, et al., as citizens of the Cherokee Nation, Cherokee D-1135.



Commissioner.

Copy

Cherokee D-1135

COMMISSION ON THE INTERESTS OF THE
CHEROKEE NATION

In the matter of the application of Benjamin F. Maxwell for the enrollment of himself and his minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell as citizens by blood of the Cherokee Nation.

DECISION

The record in this case shows that on August 24, 1900, Benjamin F. Maxwell appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of himself and his minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 28, 1901, and February 7, March 20 and October 22, 1902. The application also included Ora ... Maxwell for enrollment as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision.

The evidence shows that the applicant, Benjamin F. Maxwell, among others, was admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council, approved November 23, 1888, upon condition that he return to said nation within one year after the passage of said act.

It further appears that on March 15, 1889, the said Benjamin F. Maxwell was married to Ora H. Maxwell (Nee Hackendorf), a white woman, and that the said minor children are the issue of such marriage.

It further appears that Benjamin F. Maxwell, Blanche A. Maxwell and Alfred L. Maxwell are identified on the 1894 Cherokee strip payment roll; and that Benjamin F. Maxwell, Alfred L. Maxwell, by the name of Leonard A. Maxwell, Blanche A. Maxwell and Clyde B. Maxwell are identified on the 1896 Cherokee census roll. The said Florence E. and Mary G. Maxwell are too young to appear upon any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

The evidence further shows that at the date of his admission to citizenship, the said Benjamin F. Maxwell was residing in the State of Ohio, and that he returned to the Cherokee Nation in 1893.

It further appears that he has lived in the Cherokee Nation continuously since 1893. It is considered that the minor applicants have resided in said Cherokee Nation all their lives.

An Act of the Cherokee Council of December 4, 1894, provides:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission; Provided, that nothing in this act shall bar minors and orphans."

It is, therefore, the opinion of this Commission that Benjamin F. Maxwell, Alfred L. Maxwell, Blanche A. Maxwell, Clyde B. Maxwell, Florence E. Maxwell and Lary G. Maxwell should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby,
Chairman.

(SIGNED) T. B. Needles,
Commissioner.

(SIGNED) C. R. Breckinridge,
Commissioner.

(SIGNED) W. E. Stanley,
Commissioner.

Dated at Muskogee, I. T.,

this June 1, 1903.

GRS

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Tanlequan, I. T., July 22nd, 1903.

Cherokee D 1135.

In the matter of the application for the enrollment of
Benjamin F. Maxwell et al as citizens of the Cherokee Nation.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision
of the Commission rendered in this case on June 1st, 1903, and asks
that the record be forwarded to the Honorable Secretary of the In-
terior for Review.

The testimony shows that the applicant Benjamin F. Maxwell was
readmitted to citizenship in the Cherokee Nation by an act of the
National Council of the Cherokee Nation on November 23rd 1888 upon
the specific condition that he would remove to and permanently locate
within the limits of the Cherokee Nation within one year from the
date of his readmission.

The Commission in its decision finds that the applicant came to
the Cherokee Nation in the year 1893 or about four years too late for
him to acquire citizenship under the terms of his readmission. Coun-
cil had the authority to readmit him and it chose to prescribe cer-
tain limitations to his readmission and Maxwell wholly failed to com-
ply with these limitations; he failed to come within the one year and
when he thus failed to comply with the terms of his readmission it
was his duty to again memorialize the National Council for readmis-
sion.

The act of December 4th 1894 was not intended for applicants
like this where certain conditions were fixed by the legislature for
their readmission but for applicants in cases where no limitation had
been fixed.

Benjamin F. Maxwell having failed to comply with the terms of
the act readmitting him, lost his citizenship in the Cherokee Nation
at the expiration of the one year from the date of his readmission
and he could not therefore acquire any rights by locating in the
Cherokee Nation in 1893.

We submit that his application for enrollment should be denied.

Respectfully,

W. W. Hastings,

J.C.S.

Attorney Cher. Nation.

(COPY)

Cherokee D 1135

Luskogee, Indian Territory, September 11, 1902.

J. T. Parks,

Executive Secretary, Cherokee Nation.

Tahlequah, Indian Territory.

Dear Sir:

Please furnish the Commission with a certified copy of an act of the National Council of the Cherokee Nation, approved November 23, 1888, readmitting Benjamin F. Maxwell to citizenship in the Cherokee Nation.

In the event that your records fail to show that the said Benjamin F. Maxwell was admitted to citizenship by the National Council, please make certificate to that effect and forward to the Commission as soon as possible.

Yours truly,

Acting Chairman.

(COPY)

Cherokee D-1135.

Muskogee, Indian Territory, January 8, 1903.

Philip G. Reuter,

Clark in Charge of the Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Benjamin F. Maxwell and his minor children, Alfred L., Blanche A., Clyde B., Florence B. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Ora H. Maxwell, as a citizen by intermarriage of said Nation, it appears that part of the applicants are identified on the 1896 Cherokee roll and that no other enrollment is shown in the record. Benjamin F. Maxwell was admitted to citizenship by an Act of the Cherokee National Council, on November 23, 1888; and you are requested to cause an examination of the rolls to be made with a view of identifying the applicants on the Cherokee tribal rolls other than 1896, and to advise the Cherokee Enrollment Division of the result of such examination.

Respectfully,

Acting Chairman.

(COPY)

Cherokee D-1135

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. E. Needles,
Commissioner in Charge.

(COPY)

Cherokee D-1135

Muskogee, Indian Territory, July 28, 1903.

Benjamin F. Maxwell,
Braggs, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting your application for the enrollment of yourself and your five minor children, Alfred L., Blanche A., Clyde B., Florence N. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, G. W. Bengs, Tahlequah, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles,
Commissioner in Charge

Enc. D-111
Register.

(COPY)

Cherokee D. 1135 ..

Muskogee, Indian Territory, July 28, 1903.

G. W. Benge,

Attorney for Benjamin F. Maxwell, et al.,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been served upon the applicants.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

t. B. Needles,

Commissioner in Charge

Enc. D-112

Register.

(COPY)

Cherokee D-1136

Muskogee, Indian Territory, July 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, including the Commission's decision dated June 1, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. D-113.

Refer in reply to the following:
Land. 48582-1903
52433-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Sept. 8, 1903.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Benjamin F. Maxwell, for the enrollment of himself and his minor children, Alfred, Blanche, Clyde, Florence, and Mary Maxwell, as citizens by blood of the Cherokee Nation.

On June 1, 1903, the Commission rendered a decision in this case, finding that this application was made on August 24, 1900, and further finding that the application also included Ora H. Maxwell, for enrollment as a citizen by inter-marriage of the Cherokee Nation, but that her status as such is not passed upon at this time, and that she is not embraced in said decision.

The Commission further finds from the evidence that the applicant Benjamin F. Maxwell, among others, was admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council, approved November 23, 1888, upon condition that he return to said Nation within one year after the passage of said Act; that it further appears that on March 15, 1889 the said Benjamin F. Maxwell was married to Ora H. Maxwell (nee Mackenderf), a white woman, and that the said minor children are the issue of such marriage; that it further

appears that Benjamin F. Maxwell, Blanche A., and Alfred L., are identified on the 1894 Cherokee Strip Payment Roll, and that Benjamin F. Maxwell, Alfred L. Maxwell, by the name of Leonard A. Maxwell, Blanche A. Maxwell, and Clyde B. Maxwell, are identified on the 1896 Cherokee census roll; that the said Florence E. and Mary G. Maxwell are too young to appear on any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

The Commission further finds from the evidence that at the date of his admission to citizenship the said Benjamin F. Maxwell was residing in the State of Ohio and that he returned to the Cherokee Nation in 1893; that he has lived in the Cherokee Nation continuously since 1893, and that it is considered that the minor applicants have resided in the Cherokee Nation all their lives. The Commission then quotes an Act of the Cherokee Council of December 4, 1894, which provides,

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission; Provided that nothing in this act shall bar miners and orphans."

By reason of the foregoing facts and the provisions of said act, the Commission is of the opinion that these applicants should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495). An examination of the record in this case by the office shows that the Cherokee Nation has filed a protest against the admission of these applicants as citizens of the Cherokee Nation, upon the ground that the readmission to citizenship in the

Cherokee Nation of said Benjamin F. Maxwell by the act of the National Council of the Cherokee Nation of Nov. 23, 1888, was upon the specific condition that he must remove to and permanently locate within the limits of the Cherokee Nation within one year from the date of his readmission, and that since the evidence shows that he did not return to the Cherokee Nation until 1893, or about four years after his said readmission it is now too late for him to acquire citizenship thereunder. The office does not consider this protest of the Nation well taken for the reason that said Act of the National Council of the Cherokee Nation, passed December 4, 1894, supersedes and takes the place of said act admitting this applicant to citizenship, in so far as it relates to the time within which the party so admitted should return to the Cherokee Nation. The act admitting this applicant to citizenship was special, while the act passed December 4, 1894, is a general Act, and by reason of the terms therein stated becomes applicable to all persons who have theretofore been admitted to citizenship in the Cherokee Nation, and since said Act of December 4, 1894, provides that all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this Act or no rights whatever shall accrue to such persons by reason of such readmission, and since the evidence shows that this applicant did return and locate within the limits of the Cherokee Nation as early as 1893, the office considers that he is entitled to being enrolled as a citizen of the said Nation, and it is therefore, recommended that said

decision of the Commission be affirmed by the Department.

Very respectfully,

A. G. Tenner,

Acting Commissioner.

WUB/1001.

Copy. FILE.

I.T.D.

DEPARTMENT OF THE INTERIOR.

S.V.P

6496-1903. OFFICE OF THE ASSISTANT ATTORNEY GENERAL.

J.R.H.
V.C.P.

Washington, December 19, 1903.

The Secretary of the Interior.

Sir:

I am in receipt, by reference of the Acting Secretary of October 12, 1903, of the papers for my opinion in the matter, in the case of Benjamin F. Maxwell, applicant before the Commission to the Five Civilized Tribes for enrollment of himself and his five minor children as citizens by blood of the Cherokee Nation, and for enrollment of his wife, Ora H. Maxwell, a white woman, as a citizen by intermarriage.

The testimony shows that the applicant William F. Maxwell was a native Cherokee, born in the nation near Ft. Gibson about 1854; that his father, a loyal Cherokee, was forced to remove from the territory during the war of the rebellion, and, abandoning his farm and some forty head of horses and cattle, sought refuge with his family in the State of Ohio, where he and his wife died. B. F. Maxwell, the applicant, remained in Ohio in attendance, as student and teacher, at the Normal University, at Lebanon, until 1873, when he returned to the territory, having, in 1869, with his brothers, bought the improvements and rights to a tract of land upon which, in 1863, he settled and has ever since resided without objection by

the national authorities. The Commission found that he:

was admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council, approved November 23, 1888, upon condition that he return to said nation within one year after the passage of said act.

It further appears that on March 18, 1889, the said Benjamin F. Maxwell was married to Ora H. Maxwell (nee Kackendorf), a white woman, and that the said minor children are the issue of such marriage.

It further appears that Benjamin F. Maxwell, Blanche A. Maxwell and Alfred L. Maxwell are identified on the 1894 Cherokee strip payment roll; and that Benjamin F. Maxwell, Alfred L. Maxwell, by the name of Leonard A. Maxwell, Blanche A. Maxwell and Clyde B. Maxwell are identified on the 1898 Cherokee census roll. The said Florence K. and Mary G. Maxwell are too young to appear upon any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

The evidence further shows that at the date of his admission to citizenship, the said Benjamin F. Maxwell was residing in the State of Ohio, and that he returned to the Cherokee Nation in 1893. It further appears that he has lived in the Cherokee Nation continuously since 1893. It is considered that the minor applicants have resided in said Cherokee Nation all their lives. An Act of the Cherokee Council of December 4, 1894, provides:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided, That nothing in this act shall bar minors and orphans."

It is therefore, the opinion of this Commission that Benjamin F. Maxwell, Alfred L. Maxwell, Blanche A. Maxwell, Clyde B. Maxwell, Florence B. Maxwell and Mary G. Maxwell should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is not necessary to consider whether the purchase of a place of residence in the Territory with intent to return thereto, made within the time limited by the act of 1888 readmitting the applicant to citizenship, followed by an actual removal to the Territory after expiration of the time limited, was a sufficient compliance with the terms of his readmission. It was competent for the National Council to waive the condition or to extend the time for compliance.

He was within the terms of the act of December 4, 1894, set out by the Commission, being theretofore one who had been readmitted to citizenship. By the terms of that act, the condition of his readmission was waived and the time therefor was extended to six months thereafter, or until June 4, 1895. As he had already removed to the nation, and then was and has ever since been resident, his default was cured by the act of 1894.

He was, moreover, an eligible person, a natural born citizen, whose readmission might at any time properly be permitted by the Cherokee Council. His enrollment upon the strip payment rolls of 1894, approved by the Council, was a sufficient recognition of his rights of nationality by the legislative authority of the nation. This, with his recognition by the Cherokee authorities and enrollment upon the census roll of 1896 authorized the Commission to recognize him to be a Cherokee citizen and to allow his application. I am of opinion that the Commission to the Five Civilized Tribes committed no error in overruling the protest of the nation and in granting his application for enrollment.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General.

Approved: December 19, 1903.

E.A. Hitchcock,

Secretary.

FHE. LRS.

D.C.No.76.

I.T.D.6696-1903.
8970- "

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 24, 1903.

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

Gentlemen:

There is inclosed herewith, for your information, a copy of an opinion of the Assistant Attorney General of December 19, 1903, approved by the Secretary of the Interior on the same day, in the matter of the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Ora H. Maxwell, as a citizen by intermarriage of said nation. Said opinion states that your Commission made no error in overruling the protest of the nation and in granting his application for enrollment. Your action is affirmed.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

Cherokee D 1135

Kuskogee, Indian Territory, January, 6, 1904.

Benjamin F. Maxwell,
Braggs, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting your application for the enrollment of yourself and your five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 24, 1903.

Respectfully,

Chairman.

(COPY)

Cherokee D 1135

Muskogee, Indian Territory, January 6, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde E., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 24, 1903.

Respectfully,

Chairman.

(COPY)

Cherokee D 113 5

askogee, Indian Territory, January 6, 1904.

G. W. Benge,

Attorney for Benjamin F. Maxwell, et al.,

Tahlequan, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 24, 1903.

Respectfully,

Chairman.

Cher 10365

Benjamin Crittenden

Trans. from D51

Cher 10365

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes,
Westville, I.T., July 20, 1900.

In the matter of the application of Benjamin Crittenden for wife for enrollment as a Cherokee citizen; further proceedings are now had in this case, applicant having been previously sworn herein: Examined by Com'r Needles:

- Q Your name is upon the roll of 1880 and you are a citizen by blood?
A Yes sir. (Page 422, #461)
Q Your wife, Mary Crittenden, is a white woman? A Yes sir.
Q You have got no certificate of marriage, that was the trouble with your case? A No sir, that wasn't the trouble.
Q Can't you get a certificate of marriage and present here?
A No sir, Mr. Foreman never issued any.

Edward Foreman, being sworn and examined by Com'r Needles, states:

- Q What is your name? A Edward Foreman.
Q What is your age? A Sixty.
Q What is your postoffice address? A Westville.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q You know Benjamin Crittenden? A Yes sir.
Q Do you know a woman supposed to be his wife, Mary Crittenden?
A Yes sir.
Q You know whether they are married or not? A Yes sir, I married them.
Q Was you a minister then? A No sir, I was Judge of the Court, District Judge of Goingsnake District.
Q Didn't you issue him a certificate of marriage? A No sir, I just placed his marriage on the record.
Q You married him then according to the Cherokee Law?
A Yes sir, and also reported the marriage to the clerk.
Q You know whether he has lived with his wife from that time until this? A I couldn't say. He lives a good piece from me, I guess he does.
Q You have never heard anything to the contrary? A No sir.

Applicant, Benjamin Crittenden recalled and examined further by Com'r Needles:

- Q Have you lived with your wife continuously since you married her?
A Yes sir.
Q Have you got any children under twenty-one years of age?
A All under twenty-one.
Q How many is all? A Four.
Q Give their names? A Sally, nine years old. (On 1896 roll, page 736, #612, Sally Crittenden, Goingsnake District) Lewis Crittenden, seven years old. (On 1896 roll, page 736, #513, Lewis Crittenden, Goingsnake District) David, five years old. (On 1896 roll, page 736, #614, David Crittenden, Goingsnake District) Lula, four years old. (On 1896 roll, page 736, #516, Lula Crittenden, Goingsnake District)
Q Are these children living at home with you? A Yes sir.

Examined by Cherokee Representative Paugh:

- Q Wasn't your wife sister of a man called Bullette Weaver?
A Yes sir.
Q He is on the roll as an adopted Cherokee, isn't he?
A Yes sir, I think so.
Q He swore here the other day that he was part negro?
A They are part Cherokee and part Indian.

Examined by Com'r Needles:

- Do you know your wife's mother, what her name was? A I don't know what her name was before; I know her given name.
- Q You don't know what her other name was? A No sir, not until she married; she married Weaver and had two children by him.
- Q And is your wife one of them? A Yes sir.
- Q Your wife's name was Mary Weaver before you married her?
- A Yes sir.
- Q Do you know anything in regard to your wife's Indian blood?
- A Only what her father and mother swore to.
- Q What's her mother's name? A Emily.
- Q Emily what? A I told you I couldn't give her surname.
- Q What is her brother's name, has she got a brother by the name of Lewis Weaver, - your wife? A Yes sir.
- Q You don't know anything about the mother of Lewis and your wife, as to who she was? A No sir.

Com'r Needles: The name of Benjamin Weaver appearing upon the authenticated roll of 1880 and also upon the roll of 1896, and he having made sufficient proof as to his residence, he is ordered enrolled as a Cherokee citizen by blood.

The name of his wife, Mary Crittenden, formerly Mary Weaver, appears upon the roll of 1896; proof of their marriage has been made to-day satisfactory to the Commission; the Commission not being satisfied as to the lineage of his wife, as to whether she was a white woman or otherwise, suspends its judgment as to her citizenship, and her name with that of her four children, Emily, Lewis, David and Lula, will be placed upon a doubtful card.

Mr. Crittenden will be permitted to and is requested to present to this Commission proof necessary to establish either the Indian or white blood of this wife.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

(signed) M. D. Green

Subscribed and sworn to before me this 23 day of July 1900.

(signed) Clifton R. Breckinridge,
Commissioner.

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes,
Westville, I.T., July 20, 1900.

In the matter of the application of Benjamin Crittenden for the enrollment of himself and children as Cherokees by blood, and for the enrollment of his wife as an intermarried citizen: being duly sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Benjamin Crittenden.
Q What is your age? A 53.
Q What is your postoffice? A Westville.
Q What district do you live in? A Going Snake.
Q How long have you lived there? A I was raised here.
Q Have you lived there all your life? A Yes sir.
Q Ever live out of the Cherokee Nation? A No sir.
Q Are you a Cherokee by blood? A Yes sir.
Q What is the name of your father? A William Crittenden.
Q Is he living? A No sir.
Q How long has he been dead? A He has been dead about 15 years.
Q What is the name of your mother? A Lyda.
Q Is she living? A No sir, she is dead.
Q Have you ever been enrolled by the Cherokee authorities?
A Yes sir.

(On the 1880 roll, page 422, No. 461, Going Snake Dist., Ben Crittenden. On 1896 roll, page 736, No. 510, Benjamin Crittenden, Going Snake)

- Q What proportion of Cherokee blood do you claim? A 1/4 I guess.
Q Are you married? A Yes sir.
Q Your wife living? A Yes sir.
Q What is her name? A Mary Weaver it was before I married her.
Q Is she an Indian? A She claimed to be an Indian and applied for her rights, but failed to get them.
Q When were you married? A In 1891.
Q Have you a certificate of marriage? A No sir, but uncle Ned Foreman married me.
Q Is the name of Mary Weaver on the rolls of 1880? A No sir, she is on the 1896 rolls.

(On 1896 roll page 736, No. 511, as Mary Crittenden, Going Snake District)

- Q Is she a white woman? A She is not a white woman; she is a Cherokee and got a little darkey mixed with her so they tell me.
Q Have you got any children? A Got four.
Q By her? A Yes sir.
Q Is Ned Foreman here? A Yes sir, he is on the ground.
Q Can you prove your marriage by anybody else? A No sir, only his son and him was there.

Well, we will continue your case until you can find him and have him testify sometime this afternoon.

-----O-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

(signed) Bruce C. Jones

Sworn to and subscribed before me this 23rd day of July, 1900.

(signed) T. B. Needles

Commissioner

CHEROKEES BY BLOOD AND ADOPTION.

Date 1900.

Adopted

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name *Mary Crittenden*, *Westville, S.C.*

District *S. Snake* Year *1896* Page *736* No. *511*

Citizen by blood Mother's citizenship *W. S.*

Intermarried citizen *yes*

Married under what law Date of marriage

License Certificate

Names of Children:

Names of Children:	Dist.	Year	Page	No.	Age
<i>Emily Crittenden</i>	<i>S. Snake</i>	<i>1896</i>	<i>736</i>	<i>512</i>	<i>9</i>
<i>Felix</i>	"	"	"	<i>513</i>	<i>7</i>
<i>David</i>	"	"	"	<i>514</i>	<i>5</i>
<i>Rula</i>	"	"	"	<i>515</i>	<i>4</i>
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Adopted

D. 51

(COPY)

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Fort Gibson, I.T., September 11, 1901.

In the matter of the application of Emily Weaver for the enrollment of herself and child as citizens of the Cherokee Nation by blood; She being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Emily Weaver.
- Q You are about sixty years old, are you? A Yes sir, about.
- Q What is your postoffice address? A Westville.
- Q That is in Indian Territory, is it? A Yes sir.
- Q In what district do you reside? A Goingsnake.
- Q You claim to be a Cherokee by blood, do you? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A Born and raised here.
- Q Have you always made your home here? A Yes sir.
- Q Never lived any other place? A No sir.
- Q Did you ever apply for enrollment in another tribe or nation? A No sir.
- Q Do you apply now for anyone besides yourself? A I have got two children at home.
- Q How old are they? A The youngest one is going on 13 or 14, and there is one going on about - - she was born the first year peace was made.
- Q She is over 21 then? A Yes sir.
- Q Well she must apply for herself? A Well.
- Q Give us the name of the youngest child? A Lottie Robbins.
- Q And you say she is about 13 years old? A Yes sir.
- Q Is this child alive and living with you at this time? A Yes sir.
- Q What is the name of your father? A Lewis Crittenden.
- Q Was he a Cherokee by blood? A Yes sir.
- Q What is the name of your mother? A Nellie Cole.
- Q Was she a Cherokee by blood? A Not a Cherokee.
- Q Was she a Cherokee freedman? A Yes sir.
- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir I have.
- Q When? A Time of the Cherokee Council, I had my papers, they is lost now though.
- Q Was you admitted at that time? A Yes sir, they claim me as one.
- Q Did they give you a certificate of admission? A Yes sir, I had it but it got lost.
- Q Have you ever drawn any money from the Cherokee Nation? A No sir.
- Q What is the name of your present husband? A Joe Weaver.
- Q Is he living? A Yes sir.
- Q Cherokee or a white man? A Cherokee.
- Q Is he a recognized citizen of the Cherokee Nation? A I reckon he is; he is not living with me now.
- Q When were you married to him? A Never was married to him, just lived with him five years.
- Q Did you ever live with any other man besides Weaver? A Yes sir, with George Robbins, lived with him until he died.
- Q Were you married to him? A No sir.
- Q Ever been married to any man? A No sir.
- Q Did you ever live with any other men besides Weaver and Robbins? A No sir.
- Q Just with these two men? A Yes sir.
- Q Was Robbins a white man? A No sir, a Cherokee.
- Q Is he the father of Lottie? A Yes sir.
- Q Did you ever draw any money from the Cherokee Nation? A No sir.

- Q Did you ever go by any other name besides Weaver, Robbins or Crittenden, your maiden name?
- A No sir, they just called me Emily Crittenden when I was a girl and then when I lived with Weaver they called me Emily Weaver.
- Q Were you an applicant before the Commission, five years ago, in 1896, for enrollment as a citizen of the Cherokee Nation?
- A Yes sir but I didn't get it - - they told me a little after that I was a citizen here.
- Q Who told you? A Ned Foreman and them was the Council then.
- Q Under what name did you apply, as Emily Weaver or Robbins?
- A Emily Weaver is the way I supplied for it.
- Q Did you receive any notice from the Commission that they had admitted or denied you?
- A No sir, I can't read or write and so I let them men have the papers and they told me I was a citizen; we paid them about \$50.00 for our right and never got it.
- Q Did you ever apply for anyone besides yourself?
- A Yes sir, for me children too.
- Q You didn't apply under your maiden name of Crittenden?
- A No sir, just supplied for the name of Emily Weaver.

By W. W. Hastings, Cherokee Representative:

- Q You never did have your certificate of admission in your hands, they always promised to get it for you and you never did receive it?
- A No sir, I never did get it. I hadmy affidavits and witnesses they said they would get it, and they always promised to do something for me and never did.
- Q Never did get you a certificate of admission? A No sir.

All the rolls of the Cherokee Nation in the possession of this Commission examined and the name of the applicants not found thereon.

By the Commission: Emily Weaver applies for the enrollment of herself and her child, Lillie Robbins, as citizens by blood of the Cherokee Nation; she avers that she has lived in the Cherokee Nation all her life; she also avers that she has never been married, but that she lived for a time with one George Robbins and with one Joe Weaver; her name cannot be found on any of the rolls of the Cherokee Nation in the possession of the Commission. It would therefore appear that her application comes within the provisions of the act of Congress approved May 30, 1900, which act provides that this Commission shall be without authority to receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, duly and lawfully enrolled or admitted as such. Consequently the application of Emily Weaver, which she makes on behalf of herself as a citizen of the Cherokee Nation by blood, is rejected. As to her child, Lillie Robbins, it appears that her rights are derived only through her mother, the applicant, therefore the application which she makes for her child, Lillie Robbins, is also rejected. This judgment, as well as the evidence herein, will be forwarded to the Secretary of the Interior for his review and the applicant will be notified by mail at her postoffice address at a later date, of the final action of the Secretary.

Emily Weaver et al., -2

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full and correct transcript of his stenographic notes therein.

(signed) Chas von Weise.

Subscribed and sworn to before me this 11th day of September, 1901.

(SEAL)

(signed) M. D. Green, N.P.

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George R. Smith, first being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct transcript of the original.

(signed) George R. Smith.

Subscribed and sworn to before me this 6th day of December 1902.

(SEAL)

(signed) P. G. Reuter.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she copied the records of testimony and proceedings in this case, and that the above and foregoing is a true and correct reproduction of the same.

Mabel F. Maxwell

Subscribed and sworn to before me
this 11th day of February, 1904.

Simon R. Wallingford

Notary Public.

(COPY)

Supl. -C.D. #51.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARY
CRITTENDEN ET al., as Cherokee citizens:

Commission: Applicant was notified by registered letter
January 31, 1902, that her case would be taken up for final con-
sideration by the Commission on the 17th day of February, 1902,
and that she would on said date be offered an opportunity to
introduce any further testimony affecting her case.

Applicant has been called three times and fails to
respond either in person or by attorney and the case is closed.

(signed) T. B. Needles

Commissioner.

(107)

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

In the matter of the application for the enrollment of Mary Crittenden as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children Emily, Lewis, David and Lula Crittenden as citizens by blood of the Cherokee Nation.

D E C I S I O N .

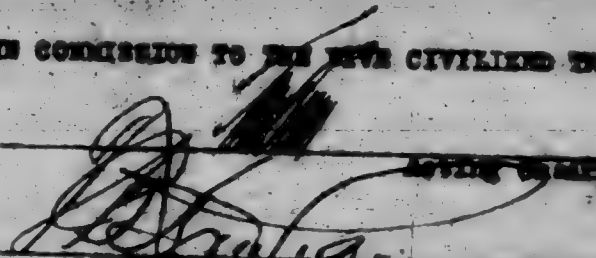
The record in this case shows that on July 20, 1900, Benjamin Crittenden appeared before the Commission at Westville, Indian Territory, and made personal application for the enrollment of himself and his minor children Emily, Lewis, David and Lula Crittenden as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Mary Crittenden as a citizen by intermarriage of the Cherokee Nation. Benjamin Crittenden has been differently classified and is not therefore embraced in this decision.

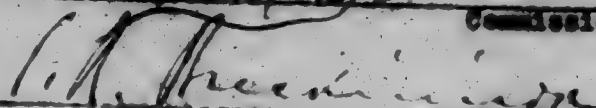
The evidence shows that Mary Crittenden was lawfully married in 1891 to Benjamin Crittenden, a citizen by blood of the Cherokee Nation. Her children Emily, Lewis, David and Lula Crittenden are the issue of that marriage. They and their said mother are identified on the Cherokee Census roll of 1894.


The evidence further shows that the said Mary Crittenden has lived with her husband in the Cherokee Nation since 1891, and that she was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Mary Crittenden should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Emily Crittenden, Lewis Crittenden, David Crittenden and Lula Crittenden should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1900, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Secretary.

Dated at Muskogee, Indian Territory,

JUN 9 - 1902

this _____

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Washington, D. C., June 15th 1902.

In the matter of the application of Mary Crittenden for enrollment as a citizen of the Cherokee Nation, by intermarriage.

Cherokee D. 51.

Protect of the Cherokee Nation.

The Cherokee Nation respectfully desires to pray an appeal from the decision of the Commission in this case, rendered on June 9th 1902, and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The reasons in this case show that Mary Crittenden, nee Weaver, is a colored person and that she married Benjamin Crittenden, a Cherokee by blood, in 1891.

The testimony further shows that she is a full sister of Bullette Weaver who is classified as a colored man and not as a white person or a Cherokee by blood.

The Cherokee Nation desires to call the attention of the Honorable Secretary of the Interior to Section 4563, Mansfield's Digest, being the laws of Arkansas extended over and put in force in the Indian Territory by the act of Congress of date May 2nd 1860, and was therefore in force when this marriage took place in 1891, as follows:

"All marriages of white persons with negroes or mulattoes are declared to be illegal and void."

Your attention is also invited to that section of the Cherokee law which provides for the intermarriage of white persons or foreigners with Cherokees, Delaware or Shawnees by blood but no provision is made whatsoever for the intermarriage of a colored person with an Indian and inasmuch as there is no provision for the same we contend that this marriage was illegal and void both under the Cherokee law as well as the laws of the United States then in force in the Indian Territory and if the law was void it contained no authority to confer citizenship upon the subject.

Mary Crittenden.

We are sustained in our construction of the Cherokee Intermarriage Law by the decision of the Supreme Court of the Cherokee Nation in 1871, the Court saying in that opinion that the Chapter of the Cherokee laws entitled "Relating to Intermarriage with white men etc" "only alludes to and was intended for white men and Cherokee women." This is our construction exclusively. No marriage in the Cherokee Nation was ever by any court regarded as legal between a colored person and a Cherokee citizen by blood.

Now the Commission in a great number of cases where white women have intermarried with their husbands before their recognition to citizenship in the Cherokee Nation have cited the Rogers case and held that it was binding upon the Commission. The same court that passed upon the Rogers case is the one that rendered this decision and this construction was made thirty years ago and has never been changed by any court subsequent to that time. For the information of the Honorable Secretary of the Interior, a certified copy of this decision is attached hereto.

But we are not confined to the Cherokee Law or the Arkansas Laws put in force in the Indian Territory but this woman is not entitled to be enrolled under section twentyone of the Curtis Bill which provides that in enumerating the persons to be enrolled by this Commission in the last line of the first paragraph of that section, the Commission shall enroll "Such intermarried white persons as may be entitled to citizenship under Cherokee laws." Now the applicant is not a white person, but the proof clearly shows that ^{she was} ~~she~~ was a slave and her full brother has been enrolled as a colored citizen of the Cherokee Nation. With reference to the enrollment of Cherokee Freedmen the Commission is instructed to be governed by the decree of the court of claims rendered the third day of February 1886 and if this applicant has any right whatever in the Cherokee Nation she must apply as a Cherokee Freedman and not as an intermarried white person.

Your attention is further invited to the fact that the decision of the Commission fails to make any note of the applicant as a colored person. For the reasons above stated, we submit that this marriage was illegal.

and void and if our contention be true then this woman is not entitled to be enrolled as a citizen of the Cherokee Nation by intermarriage.

Respectfully submitted,

Wm. H. King

J. C. P.

Attorney for the Cherokee Nation.

"Tuesday Morning, June 30, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:"

- "George Washington, Cooweescoowee District.
- "Henry Johnson, Tahlequah
- "Lee Cooper, "
- "Henry Bird, "
- "William Madden, "
- "Alonzo Cullen, "
- "Solomon Foster, Illinois
- "William Hudson, "
- "Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

NOTE.—"Decisions regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 29, 1871."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., December 5, 1902.

In the matter of the application for the enrollment of Mary Crittenden as a citizen of the Cherokee Nation, and for the enrollment of her minor children, Emily, Lewis, David and Lula Crittenden, as citizens by blood of the Cherokee Nation.

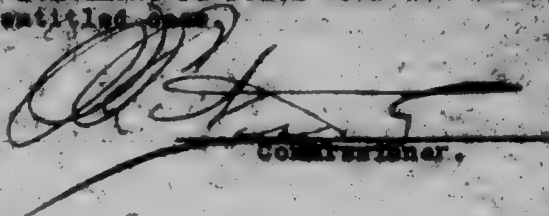
S U P P L E M E N T A L S T A T E M E N T

It is hereby ordered that a copy of the testimony taken at Fort Gibson, Indian Territory, on September 11, 1901, in the matter of the application of Emily Weaver, et al., be filed herewith and made a part of the record in this case.

From an examination of the records of the Commission, and the memoranda made on the census card, at the time of the application of Mary Crittenden for her enrollment on June 20, 1900, it appears that the father of said Mary Crittenden is one Joseph Weaver, the alleged husband of Emily Weaver, who is the mother of the said Mary Crittenden, and an examination of the Cherokee tribal rolls in the possession of this Commission shows that the said Joseph Weaver is identified on the Cherokee authenticated tribal roll of 1886 for Going Snake District, at page 485, #1851, as a Cherokee by blood.

The records of the Cherokee Nation show that Emily Weaver is identified on the Cherokee Census roll of 1896 at page 134, #122, under the name of Emily Crittenden as a Cherokee by blood.

It is directed that this statement be filed with and made a part of the record in the above entitled case.


Commissioner.

(COPY)

Cherokee D-51

AAD

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

In the matter of the application for the enrollment of Mary Crittenden as a citizen of the Cherokee Nation, and for the enrollment of her minor children, Emily, Lewis, David, Lula and Walter Crittenden, as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record herein shows that on July 20, 1900, Benjamin Crittenden appeared before the Commission at Westville, Indian Territory, and made application for the enrollment of his wife, Mary Crittenden, as a citizen of the Cherokee Nation, and for the enrollment of his minor children, Emily, Lewis, David and Lula Crittenden, as citizens by blood of the Cherokee Nation. The application also included the said Benjamin Crittenden, but he has been differently classified and is not embraced in this decision. On June 9, 1902, the Commission rendered a decision herein, enrolling Mary Crittenden as a citizen by intermarriage and her minor children as citizens by blood of the Cherokee Nation, and transmitted the same to the Secretary of the Interior for his approval. Such decision was not approved, and on August 5, 1902, the record was returned to this Commission for an expression of their views on the objections, raised by the Cherokee Nation, to the enrollment of Mary Crittenden as a citizen of the Cherokee Nation by intermarriage, on the ground that she was shown to be of African descent, and could not, under Cherokee laws and customs, acquire citizenship by intermarriage.

On October 31, 1902, a birth affidavit was filed for Walter Crittenden, born since the date of the original application decision herein, and on December 6, 1902, at Muskogee, Indian Territory, a supplemental statement and order was made in the matter of this application, and the same is filed herewith and made a part of this record.

While the evidence tends to show that Mary Crittenden is, in part, of African descent, her mother being apparently, part negro, the record, as now made, also shows that she is of Cherokee descent; that she was born in 1865, and is the daughter of Emily Weaver and Joseph Weaver, who appear to have resided together as husband and wife for about five years. Joseph Weaver is identified upon the authenticated tribal roll of 1880 as a Cherokee by blood, and the said Emily Weaver and her daughter, Mary Crittenden, are both identified on the Cherokee census roll of 1896 as Cherokees by blood.

The minor applicants herein are the children of said Mary Crittenden by her husband, Benjamin Crittenden, a citizen by blood of the Cherokee Nation. The four older children are identified on the Cherokee census roll of 1896 with their mother, and Walter Crittenden is identified by a birth affidavit made a part of this record.

The record, as supplemented by the order of December 6, 1902, confirms the former finding of the Commission as to the three minor applicants herein, and it now appears that Mary Crittenden is a Cherokee Indian by blood.

The evidence further shows that said Mary Crittenden was resided in the Cherokee Nation all her life, and her said children are therefore considered to have been residents of the Cherokee Nation since their birth.

It is, therefore, the opinion of this Commission that Mary Crittenden, Emily Crittenden, Lewis Crittenden, David Crittenden, Lula Crittenden and Walter Crittenden should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) _____ T. H. Hixson
Acting Chairman

(signed) _____ T. B. Hixson
Commissioner

(signed) _____ C. R. Brantley
Commissioner

Dated at Muskogee, Indian Territory,
this _____ Dec 15 1902

(MFM)

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Washoe I. T. December 15th 1902.

In the matter of the application of Mary-Crittenden et al for enrollment as citizens of the Cherokee nation.

Cherokee D 51.

Protest of the Cherokee nation.

Comes now the Cherokee nation and protests against the decision of the Commission in this case, rendered on December 15th 1902, and respectfully asks that same be forwarded to the Honorable secretary of the Interior for review.

The testimony in this case clearly shows that the mother of Mary Crittenden, Emily Weaver was part negro and that the grand mother of Mary Crittenden, Nellie Cole, had no Cherokee blood but claimed as a Cherokee Freedman. The testimony of Emily Weaver, the alleged mother of Mary Crittenden is to the effect that she had never been recognized as a citizen of the Cherokee Nation and in answer to this question "Did you ever draw any money in the Cherokee Nation?" she said "No sir."

She also testified that she applied to the Commission in 1894 and that she was never admitted and the testimony further shows that all of the rolls of the Cherokee nation in the possession of the Commission were examined and the name of Emily Weaver the alleged mother of Mary Crittenden could not be found thereon.

The testimony further shows that Mary Crittenden is a full sister to Juliette Weaver whose name appears upon the roll of 1866 as an "Adopted Colored" and on June 15th 1902 the Cherokee nation filed an appeal setting forth the reasons why the judgment of the Commission theretofore rendered on June 9 1902 enrolling the applicant as a citizen by intermarriage should not be affirmed and reference is again made to said appeal for the purpose of showing our reasons why no marriage is legal between a Cherokee and a woman of African descent.

It will be noted that upon Benjamin Crittenden's second appearance before the Commission on July 22nd 1902 in answer to the question put to him by the Commissioner in charge "You wife Mary Crittenden is a white

as a citizen by intermarriage and not as a Cherokee by blood. The Commission of its own Motion on December 6th 1902 caused a supplemental statement to be filed in this case averring that the father of the said Mary Crittenden is one Joseph Weaver and further on in said statement appears the statement that the tribal rolls in the possession of the Commission show that "The said Joseph Weaver is identified on the Cherokee tribal roll of 1880" giving the page and number etc. Now the Commission could ascertain that a Joseph Weaver whose name appears upon the roll of 1880 is the alleged father of the applicant is not clear to us. Joseph Weaver has never sworn to it yet he was alive and accessible; this is a common name and for all we know there might be several Joseph Weavers who lived in that section of the country and in fact there is no evidence whatever that the Joseph Weaver whose name appears upon this roll is the father of the applicant; neither is there any evidence of a marriage between any Joseph Weaver and the applicants mother; on the other hand the applicants mothers testimony while it is uncertain and not to the point leaves the impression that the Joe Weaver that she refers to was her illegal husband for about five years next last past because in answer to this question: "What is the name of your present husband?" She said "Joe Weaver." Later on when asked "When were you married to him?" She answered "Never was married to him just lived with him five years." She also states that she had lived with one man by the name of Robbins and had children by him and that she was never married to any man.

Again we want to call the attention of the Department to the fact that Joseph Weaver has never been called to the stand and we desire to call the attention of the Department to the further fact that Mary Crittenden herself, although married in 1861, was never called to the stand and although there have been numerous payments in 1876, 1880, 1883, 1886, 1890 and 1894 the name of Mary Crittenden nor her mother Emily Weaver does not appear upon one of them nor is it contended that she ever drew any money as a Cherokee by blood.

Now the examination of the 1896 roll shows that the said Mary Crittenden was at that time thirty-nine years of age which would have made her have been born in the year 1867 and yet as above stated her name does not appear upon any roll except that of 1896 which was not a pay roll and never authenticated and not binding upon the Commission or the Department and the name of her mother even appears upon the 1896 roll.

that she never drew one cent of money and that she was never recognized before as a citizen of the Cherokee nation that her mother was of African descent and that she was never legally married to any man.

Now Section 692 of the Compiled laws of the Cherokee nation 1838 provides for legitimizing children where there was a form of marriage taken place which was prohibited on account of consanguinity or where either of the parties had a former husband or wife living and it will be noted that there must have been a form of marriage which would of itself tend to show that the children of such unlawful marriages were in fact the children of this man and his wife. The same section of the Cherokee law also legitimizes illegitimate children where the parents afterwards intermarry and thus publicly recognizes the parentage of the children but illegitimate children are not legitimized by any law where there has never been a form of a marriage either before or after the birth of the children.

This is a most serious question and one that we hope will be well considered by the Department in this case. Suppose the Department holds otherwise, the evil consequences will be apparent. Every low woman with an illegitimate child in the country would immediately lay the parentage of said child to some ignorant Cherokee Indian and demand its enrollment as a citizen of the Cherokee nation. She would appear before the Commission and swear that a certain man was the father of the child, no proof of marriage would be required and we submit that the testimony of a woman of such loose morals should not commend itself to the Commission or to the Secretary of the Interior.. In other words if the Cherokee Nation has not heretofore recognized an illegitimate child by enrolling it and paying it money we insist that the testimony of the mother of the child is insufficient to show its parentage.

Section 21 of the Curtis act requires the commission to enroll all Cherokee citizens whose names are found upon the Cherokee authenticated rolls of 1880 and all descendants born since the date of said roll, to persons whose names are found thereon. Now it will be noted the descendants must mean of course all legitimate descendants. The words could have no other proper legal meaning. How could you prove who the descendants were unless they were the descendants of a legal union. Again you will

note that the descendants must be born since the date of said roll organization. Whereas, Mary Crittenden was born in 1867 or 13 years before the roll of 1880 was made and there is no evidence that she was ever recognized by Joe Weaver as his child, but on the other hand there is evidence that her mother was a woman of loose morals, was never married to any man, but had numerous other children, none of whom were ever recognized as citizens of the Cherokee nation but were always refused and never drew any money.

Now the act of Congress approved June 10th 1896 requires this Commission to respect all laws of the Cherokee nation in making the rolls of the Cherokee nation and if this be true, then respecting section 692 of the compiled laws of the Cherokee nation of date 1898 and respecting section twenty-one of the Curtis Bill which requires them to enroll descendants since born to those whose names appear upon the roll of 1880, then the applicant should not be enrolled as a citizen by blood of the Cherokee Nation.

For the reasons assigned heretofore on June 13th 1902 we do not believe that Mary Crittenden should be enrolled as a citizen of the Cherokee Nation by intermarriage and for the reasons herein given we do not believe she is entitled to be enrolled as a Cherokee by blood.

Respectfully Submitted.

W. W. Hastings
Attorney for the Cherokee Nation.

Attest:

J. C. Starr
Stenographer for the Cherokee Nation.

COMMISSIONERS

HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31,

1902

Mr. Benjamin Crittenden,

Westville, Indian Territory

Sir:

You are hereby notified that the application of Mary Crittenden, your wife, and
your four minor children,

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the
Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

17th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney,
when an opportunity will be given you to introduce any additional testimony affecting your applica-
tion.

You are further notified that the Representatives of the Cherokee Nation will also, at the same
time, be afforded an opportunity to introduce testimony tending to disprove your right to enroll-
ment, but said Representatives will be required to notify you of their intention to introduce such
testimony before they will be permitted to do so.

Cherokee D-51
Register.

Yours truly,



Acting Chairman.

(COPY)

Cherokee D-51

Muskogee, Indian Territory, June 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings had in the matter of the application of Benjamin Crittenden for the enrollment of his wife, Mary Crittenden, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his four minor children, Emily, Lewis, David and Lula Crittenden, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated June 9, 1902, granting the application for the enrollment of said persons as citizens of the Cherokee Nation.

Very respectfully,

Tamr Bixby

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 inclosure.

CH-1

(107)

(COPY)

Cher. d)51

Muskogee, Indian Territory, June 9, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith ^{please} find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Mary Crittenden et al for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the persons above named as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Yours truly,

Tans Bixby

Acting Chairman

Encl. D-51

(COPY)

(COPY)

Cherokee D-51

Muskogee, Indian Territory, July 9, 1902.

Benjamin Crittenden,
Westville, Indian Territory.

Sir:

There is herewith enclosed the record of proceedings had in the matter of your application for the enrollment of your wife, Mary Crittenden, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of your minor children, Emily, Lewis, David and Lula Crittenden, as citizens by blood of the Cherokee Nation, together with the decision of the Commission enrolling your wife and children.

You are advised that the Cherokee Nation protests against the action of the Commission, copy of which protest is also herewith enclosed.

The decision, with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tom Dixby

Acting Chairman.

Register
2-2

(COPY)

Cherokee D-51

Muskogee, Indian Territory, July 9, 1902.

Mr. W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, granting the application of Benjamin Crittenden for the enrollment of his wife, Mary Crittenden, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his four minor children, Emily, Lewis, David and Lula Crittenden, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on June 9, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tom D. Bixby

Acting Chairman.

(MFK)

D.C. 12779-1902. 46591 I.T.D. 4453-1902. LRS JP EAF

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

August 5, 1902.

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

Gentlemen:

With your letter of July 9, 1902, you submitted the papers in the case involving the application of Benjamin Crittenden for the enrollment of his wife as a citizen by intermarriage of the Cherokee Nation, and his four minor children as citizens by blood.

You decided on that day that the parties were entitled to enrollment, which decision the Acting Commissioner of Indian Affairs, July 22, 1902, recommended be made final.

The nation protests against your decision so far as it relates to Crittenden's wife, which protest is not mentioned by the Indian Office.

It appears that this woman is a colored person, the full sister of Bullette Weaver, who has been, apparently, classified as a Cherokee freedman. The nation contends that the marriage between the parties was illegal and void; that no marriage in the Cherokee Nation was ever, by any court, regarded as legal between a colored

person and a Cherokee citizen by blood. He refers to section 4593 of Mansfield's Digest (Laws of Arkansas extended over the Indian Territory), which provides that "All marriages of white persons with negroes or mulattoes are declared to be illegal and void," which the Department considers not applicable to this case; also, to the Cherokee law which provides for the intermarriage of white persons or foreigners with Cherokees. He states that no provision is made in this law for the intermarriage of a colored person with an Indian. He also refers to the decision of the Cherokee Supreme Court in 1871, in which it was stated that "the chapter of the Cherokee Laws entitled 'Relating to Intermarriage with white men etc.' only alludes to and was intended for white men and Cherokee women." He insists that if this applicant has any rights whatever in the Cherokee Nation she must apply as a Cherokee freedman, as the act of June 28, 1898 (30 Stats., 495), provides that your Commission "shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, ~~1896~~ eighteen hundred and ninety-six." He also calls attention to the provision in said act that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Department desires an expression of your views on the objection raised by the nation, especially in view of the fact that that both your decision and the letter of the Acting Commissioner are silent as to the apparent fact that this applicant is of African

descent, and as, of course, no reference has been made by you to the laws and customs of the Cherokee Nation in regard to the marriage of Cherokees by blood with colored persons the papers are, therefore, returned herewith for that purpose.

Respectfully,

(signed) Thos Ryan.

Acting Secretary.

1 inclosures.

RMD

(COPY)

Cherokee D-51

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir: -

There is transmitted herewith decision of the Commission to the Five Civilized Tribes, dated December 15, 1902, granting the application for the enrollment of Mary Crittenden and her minor children, Emily, Lewis, David, Lula and Walter Crittenden, as citizens by blood of the Cherokee Nation.

You are advised that on June 9, 1902, the Commission rendered a decision granting the application of Mary Crittenden for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children as citizens by blood of the Cherokee Nation, which decision was forwarded to the Secretary of the Interior for review and approval.

Under date of August 5, 1902, the Department remanded the record of proceedings had in said application and requested an expression of the views of the Commission on the objections raised by the Nation to the enrollment of Mary Crittenden as a citizen of the Cherokee Nation by intermarriage, on the ground that she was shown to be of African descent, and could not under Cherokee laws and customs acquire citizenship by intermarriage.

The record as supplemented by the order of December 6, 1902, confirms the former finding of the Commission as to the three minor applicants, and it now appears that Mary Crittenden is a Cherokee Indian by blood.

You are advised that you will be allowed fifteen days from the date hereof in which to file such protest as you desire to make against the action of the Commission in granting the enrollment of Mary Crittenden, as a citizen by blood of the Cherokee Nation, December 15, 1902. You will be required to make proof of service of a copy of such protest on the applicant.

At the expiration of fifteen days from the date hereof, this case will be forwarded to the Secretary of the Interior for review and approval.

Respectfully,

Tom Dickey

Acting Chairman.

Enc. P-138

(100)

Muskogee, Indian Territory, December 15, 1902,

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

There is transmitted herewith decision of the Commission to the Five Civilized Tribes, dated December 15, 1902, granting the application for the enrollment of Mary Crittenden and her minor children, Emily, Lewis, David, Lula and Walter Crittenden, as citizens by blood of the Cherokee Nation.

You are advised that on June 9, 1902, the Commission rendered a decision granting the application of Mary Crittenden for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children as citizens by blood of the Cherokee Nation, which decision was forwarded to the Secretary of the Interior for review and approval.

Under date of August 8, 1902, the Department remanded the record of proceedings had in said application and requested an expression of the views of the Commission on the objections raised by the Nation to the enrollment of Mary Crittenden as a citizen of the Cherokee Nation by intermarriage, on the ground that she was shown to be of African descent, and could not under Cherokee laws and

COPY

V. V. H.-E.

customs acquire citizenship by intermarriage.

The record as supplemented by the order of December 6, 1902, confirms the former finding of the Commission as to the three minor applicants, and it now appears that Mary Crittenden is a Cherokee Indian by blood.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in granting the enrollment of Mary Crittenden, as a citizen by blood of the Cherokee Nation, December 15, 1902. You will be required to make proof of service of a copy of such protest on the applicant.

At the expiration of fifteen days from date hereof, this case will be forwarded to the Secretary of the Interior for review and approval.

Respectfully,

Acting Chairman.

Enc. P-138.

Cherokee D 51.

Muskogee, Indian Territory, December 23, 1902.

Mary Crittenden,

Westville, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of your application for the enrollment of yourself and your five minor children, Emily, Lewis, David, Lula and Walter Crittenden, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated December 18, 1902, granting your said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.
Enclosure E. No.

Acting Secretary.

Cherokee D 51.

Muskogee, Indian Territory, December 23, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 15, 1902, granting the application of Mary Crittenden for the enrollment of herself and her five minor children, Emily, Lewis, David, Lula and Walter Crittenden, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on December 15, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Cherokee D 81.

Muskogee, Indian Territory, December 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental Letter of November 24, 1902, (I. T. D. 4453-1902) there is herewith transmitted the record of proceedings had in the matter of the application of Mary Crittenden for the enrollment of herself and her five minor children, Emily, Lewis, David, Lela and Walter Crittenden, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated December 15, 1902, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 443.

(COPY)

Refer in reply to the following:
Land. 78,807-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, April 1, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of the Commission to the Five Civilized Tribes in the matter of the application of Benjamin Crittenden for the enrollment of himself and his minor children, Emily, Lewis, David, Lula Crittenden, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Mary Crittenden, as a citizen by intermarriage of the Cherokee Nation.

Benjamin Crittenden has been differently classified and is not, therefore, embraced in the decision in this case.

On June 2, 1902, the Commission entered a judgment enrolling Mary Crittenden as a citizen by intermarriage of the Cherokee Nation, and Emily Crittenden, Lewis Crittenden, David Crittenden and Lula Crittenden as citizens by blood of the Cherokee Nation, in accordance with the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stats., 495).

On June 13, 1903, the Cherokee Nation, through its attorney, W. W. Hastings, filed an appearance and protest against the enrollment of Mary Crittenden as a citizen of the Cherokee Nation by

intermarriage, and on August 5, 1902, the case was returned by the Department to the Commission for further consideration -- I.T.D. 4453-1902, asking for an expression of the views of the commission on the objections raised by the nation, especially in view of the fact that the decision of the commission and the letter of the Acting Commissioner of Indian Affairs were silent as to the apparent fact that this applicant is of African descent.

On December 15, 1902, the commission again rendered a decision in the case saying:

"While the evidence tends to show that Mary Crittenden is, in part, of African descent, her mother being apparently, part negro, the record, as now made, also shows that she is of Cherokee descent; that she was born in 1865, and is the daughter of Emily Weaver and Joseph Weaver, who appear to have resided together as husband and wife for about five years. Joseph Weaver is identified on the authenticated tribal roll of 1880 as a Cherokee by blood, and the said Emily Weaver and her daughter, Mary Crittenden, are both identified on the Cherokee census roll of 1896 as Cherokees by blood.

"The evidence further shows that said Mary Crittenden has resided in the Cherokee Nation all her life, and her said children are therefore considered to have been residents of the Cherokee Nation since their birth.

"It is therefore, the opinion of this Commission that Mary Crittenden, Emily Crittenden, Lewis Crittenden, David Crittenden,

Lula Crittenden and Walter Crittenden, should be enrolled as citizens by blood of the Cherokee Nation."

On December 19, 1902, the Cherokee Nation, through its attorney, W. W. Hastings, filed another protest against the enrollment of Mary Crittenden as a citizen of the Cherokee Nation by blood, holding that the testimony in the case shows that the mother of Mary Crittenden, Emily Weaver, was part negro; that the grandmother of Mary Crittenden, Nellie Cole, had no Cherokee blood, but claimed as a Cherokee freedman; that the testimony of Emily Weaver, the alleged mother of Mary Crittenden, is to the effect that she had never been recognized as a citizen of the Cherokee Nation. She acknowledged that she never drew any money in the Cherokee Nation.

He also alleges that the testimony further shows that Mary Crittenden is a full sister to Bullette Weaver whose name appears on the roll of 1880 as an "adopted colored," and on June 13, 1902, the Cherokee Nation filed an appeal setting forth the reasons why the judgment of the Commission theretofore rendered on June 9, 1902 enrolling the applicant as a citizen by intermarriage should not be affirmed.

Attention is also called to the statement of Benjamin Crittenden to the question "Your wife Mary Crittenden is a white woman?" the answer being "Yes sir", showing to the mind of the attorney that he applied for her as a citizen by intermarriage and not as

a Cherokee by blood; that the commission of its own motion on December 6, 1902, caused a supplemental statement to be filed in this case averring that the father of the said Mary Crittenden was one Joseph Weaver, and further on in said statement appears the statement that the tribal rolls in the possession of the commission show that said Joseph Weaver is identified on the Cherokee tribal roll of 1880, giving the page and number. Mr. Hastings says "how the Commission could ascertain that a Joseph Weaver whose name appears upon the roll of 1880 is the alleged father of the applicant is not clear to us." Joseph Weaver has never sworn to it yet he was alive and accessible; that this is a common name and for all he knows there might be several Joseph Weavers who lived in that section of country and in fact there is no evidence whatever that Joseph Weaver whose name appears upon this roll is the father of the applicant, neither is there any evidence of a marriage between any Joseph Weaver and the applicant's mother; on the other hand the applicant's mother's testimony while it is uncertain and not to the point leaves the impression that the Joe Weaver that she refers to was her illegal husband for about five years next last past because in answer to this question: "What is the name of your present husband?" she said "Joe Weaver." Later on when asked "When were you married to him?" she answered "Never was married to him just lived with him five years." She also states that she had lived with one man by the name of Robbins and had children by him and that she was never married to any man.

He calls attention to the fact that Joseph Weaver has never been called to the stand and to the further fact that Mary Crittenden herself although married in 1881, was never called to the stand, and although there were numerous payments in 1875, 1880, 1883, 1886, 1890 and 1894, the name of Mary Crittenden nor her mother Emily Weaver, did not appear upon any one of them, nor is it contended that she ever drew any money as a Cherokee by blood; that an examination of the 1896 roll shows that said Mary Crittenden was at that time 39 years of age, which would have made her born in the year 1867 and that her name does not appear upon any roll except that of 1896 which was not a pay-roll and never authenticated and not binding upon the commission or the Department and the name of her mother appears upon the 1896 roll but she admits that she never drew one cent of money and that she was never recognized before as a citizen of the Cherokee Nation; that her mother was of African descent and that she was never legally married to any man.

Referring to section 592 of the Compiled Laws of the Cherokee Nation, 1892, Mr. Hastings calls attention to the fact that it provides for legitimatizing children where there was a form of marriage performed which was prohibited on account of consanguinity or where either of the parties had a former husband or wife living and it will be noted that there must have been a form of marriage which would of itself tend to show that the children of such unlawful marriages were in fact the children of this man and his wife. The same section of the Cherokee law also legitimatizes illegitimate children where the parents afterwards intermarry and thus public

recognizes the parentage of the children, but illegitimate children are not legitimized by any law where there has never been a form of marriage either before or after the birth of the children.

Again calling attention to section 21 of the Curtis act, the attorney says it requires the commission to enroll all Cherokee citizens whose names are found upon the Cherokee authenticated roll of 1880 and all descendants born since the date of said roll to persons whose names are found thereon and it will be noted descendants must mean, of course, all legitimate descendants.

And again that the descendants must be born since the date of said roll whereas Mrs. Crittenden was born in 1867 or 13 years before the roll of 1880 was made and there is no evidence that she was ever recognized by Joe Weaver as his child, but on the other hand there is evidence that her mother was a woman of loose morals and was never married to any man, but had numerous other children, none of whom were recognized as citizens of the Cherokee Nation, but were always refused and never drew any money.

It is now claimed that Mary Crittenden is entitled to enrollment as a Cherokee by blood by reason of her descent from Joseph Weaver. The commission states that the Joseph Weaver referred to does appear on the Cherokee roll of 1880. With reference to the identity of Joseph Weaver as the father of Mary Crittenden the only testimony in the case is to the effect that he was the father of Mary Crittenden. The commission finds that he is on the roll. The Cherokee Nation objects because his testimony was not produced with

-7-

reference to that matter. So far as the applicant was concerned it was only necessary to allege the fact and support it with such proof as was produced in this case which constitutes prima facie proof of that fact. If the Cherokee Nation did not believe this was true it was its duty to tender testimony controverting the statements made by the witnesses for the applicant, and having neglected to seek or produce such testimony does not leave the Cherokee Nation in any attitude to protest against the action of the commission in enrolling the applicant.

The question as to the authority of the commission to enroll Mary Crittenden was passed upon by the Department in its letter in the case of the application of Nancy Ray for the enrollment of her four children-- I.T.D. 3039, 5043-1902-- the holding in that case being that they being descendants born since the date of the roll upon which the names of their parents appear, are entitled to enrollment for that reason.

It is my opinion that the decision of the commission enrolling Mary Crittenden as a Cherokee by blood should be sustained.

There is also enclosed with the papers in this case letter of the Department of January 30, 1903, -- I.T.D. 4453-1902, addressed to the commission, asking for an immediate report, which was not transmitted to the commission because of the fact that the case was pending in this office at that time.

Very respectfully,

(signed) A. C. Tomner,

Acting Commissioner

(K.B.H.)

D. C. 32819-1903. JW SVP JRW WCP FLC ITD. 3484-1902.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

NOVEMBER 20, 1903.

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

Gentlemen:

I have considered the proceedings of your Commission upon application of Benjamin Crittenden for enrollment of himself and his minor children, Emily, Lewis, David, Lula Crittenden, as citizens by blood of the Cherokee Nation, and for enrollment of his wife, Mary Crittenden, as a citizen by intermarriage. June 2, 1902, the Commission entered a judgment enrolling the applicants pursuant to the application. June 13, 1902, the Cherokee Nation, by W. W. Hastings, filed an appearance and protest against Mary Crittenden's enrollment as a citizen by marriage, on the ground that she is in part of negro blood and as such is not eligible to such enrollment.

August 5, 1902, the case was remanded to the Commission for further consideration (I.T.D. 4453-1902), asking expression of the Commission's views on the objections raised in view of the fact that the Commission's decision and the Acting Commissioner of Indian Affairs' letter were silent as to the fact that Mary Crittenden is

of African descent. December 6, 1902, your Commission of its own motion caused a supplemental statement to be filed averring that Mary's father was Joseph Weaver, identified on the 1880 tribal roll page 485, No. 1851. December 15, 1902, your Commission again decided the case, holding that Mary Crittenden is shown by the record to be of Cherokee descent, born in 1865, of Emily Weaver, part of African descent, and Joseph Weaver, identified on the authenticated tribal roll of 1880 as a Cherokee by blood, who resided together as husband and wife for about five years, and that their daughter, Mary Crittenden, and her mother Emily Weaver were both identified on the Cherokee census roll of 1896 as Cherokees by blood.

December 19, 1902, counsel for the Cherokee Nation filed another protest against Mary's enrollment as a Cherokee citizen by blood upon the ground that the testimony shows that Mary's grandmother, Vellie Cole, had no Cherokee blood, but claimed as a Cherokee freedman, and was never recognized as a Cherokee citizen; that Mary's mother, Emily Weaver, or Crittenden, was part negro, and Mary's full brother, Bullette Weaver, is on the 1880 authenticated Cherokee rolls as an "adopted colored;" that no sufficient testimony in the record identified the Joseph Weaver, which is a common name, upon the citizens' roll of 1880 as the father of Mary, he not being sworn, though alive and accessible, nor was there any evidence of a marriage of any Joseph Weaver and Mary's mother, who testified that she "never was married to him, just lived with him five years;" that Mary's

name is not on any of the many payment rolls, nor is it shown that she drew any money as a Cherokee by blood; that under section 692, Cherokee Compiled Laws of 1892, there must have been a form of marriage to legitimize the issue of an invalid marriage, a form of marriage being necessary as evidence tending to show paternity, and the testimony of the mother alone is insufficient; that while section 21 of the act of June 28, 1898 (30 Stat., 495/502), requires the Commission to enroll those found on the authenticated citizens roll of 1880 and their descendants since born to them, it means only their legitimate descendants born of a legal union. The act requires the Commission to respect all laws of the Cherokee Nation and under section 692 of the Cherokee Laws the applicant should not be enrolled as a citizen by blood of the Cherokee Nation.

The testimony offered on behalf of the applicant, summarized, is that she is the granddaughter of Nellie Cole, a negro Cherokee freedwoman, who cohabited as wife with Lewis Crittenden, a Cherokee citizen. To them about 1841, in the Cherokee country, was born Emily Crittenden, or Weaver. She always lived in the Cherokee country. During a period of five years, the beginning of which is not fixed, without a form of marriage Emily cohabited as wife with Joseph Weaver, a Cherokee citizen, and to them in 1865 was born Mary Crittenden, the applicant, who is thus three-fourths Cherokee blood, and has always lived in the Cherokee country.

and Benjamin Crittenden were married in 1891 by the District Judge of Going Snake District, in due form of Cherokee law if they were competent to contract marriage as Cherokee citizens. Mary Crittenden was enrolled on the 1896 census Cherokee roll as a Cherokee by blood. Emily Weaver, her mother, was an applicant and was denied enrollment by the Commission in 1896, and under the act of May 31, 1900 (31 Stat., 221, 236), was denied enrollment.

The contention of counsel for the Cherokee Nation that the evidence is insufficient to identify Mary Crittenden to be a descendant of Joseph Weaver, an enrolled citizen, for want of his testimony to such fact can not be sustained. Continued cohabitation of a man and woman as husband and wife, when satisfactorily proven, must be held sufficient evidence to prove paternity of children born during such cohabitation. But as Mary Crittenden was born prior to the date of the Cherokee roll of 1880, the proof of her paternity from a Cherokee citizen is not alone sufficient to entitle her to enrollment, as the act (30 Stat., 502), makes that roll conclusive of the right to enrollment only as to "all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon." The word descendants is a term of broader significance than legitimate descendants or heirs, but by the statute the sufficiency of proof of descent alone is restricted to descendants since born. As the applicant,

born in 1863, can not claim the benefit of this statute, her right to enrollment as a Cherokee citizen by blood must be otherwise determined than by mere descent from a citizen upon the 1880 roll.

Mary Crittenden's name is found upon the Cherokee census roll of 1893. Under section 21 of the act of June 2^d, 1898, supra, your Commission may have recourse to other rolls than that of 1880, but, the statute requires that you:

shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto,

If, therefore, the investigation shows a lack of right to, or want of "authority of law" for the applicant's enrollment as a Cherokee by blood, the application must be denied.

Her mother having never married Weaver, the child took the status of the mother. The mother, though half Cherokee blood, was not a Cherokee citizen until the amendment of section 5 of article 3 of the Cherokee Constitution, November 26, 1866, which provides that:

All native born Cherokees, all Indians, and whites legally members of the nation by adoption, and all freedmen who have been liberated by voluntary act of their former owners or by law, as well as free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months from the 19th day of July, 1866, and their descendants, who reside within the limits of the Cherokee Nation, shall be taken, and deemed to be, citizens of the Cherokee Nation.

By this act of enfranchisement Emily Weaver and her dau-

ghter Mary Crittenden became citizens of the Nation. Mary was therefore not entitled to enrollment as a Cherokee by blood though shown to be of three-fourths Cherokee descent. She was, however, and is shown to be entitled to enrollment as a Cherokee citizen upon the freedman's roll. She was placed upon the 1896 census roll compiled by the Cherokee authorities. Being of three-fourths Cherokee descent born, and always resident in the Cherokee country, of a mother entitled to be enrolled as a citizen under the provisions of article 9 of the treaty of July 19, 1866 (14 Stat., 799, 801), and actually enrolled by the Cherokee authorities, it can not be said that her recognition and enrollment was either "by fraud or without authority of law." The roll of 1896 is evidence of her right, and the facts fail to negative the prima facie case thereby made for her by her enrollment and recognition by the Cherokee authorities as a citizen.

It may be answered that the census roll was erroneous in that it classed her as a citizen by blood, whereas she was entitled only to enrollment as a freedman. This was an error only in classification, or designation, and does not make the enrollment void or ineffective. A mistaken designation of the origin or right of her citizenship did not make the recognition of her right, or her enrollment, either a fraud or without authority of law, so any other valid ground than that assigned did in fact exist for enrollment. It is a familiar principle that a judgment will not be reversed if it was th

proper one to be rendered upon the law and facts, even though it was based upon erroneous reasons.

This makes it unnecessary to discuss the question of the legality of marriage between an Indian and a person of African descent.

Your Commission will admit her to enrollment upon the freedman's roll.

Very respectfully,

(signed) E. A. Hitchcock

Secretary

Tahlequah, Indian Territory, December 10, 1903.

Commission to the Five Civilized Tribes,

Cherokee Division,

Muskogee, Indian Territory.

Gentlemen:

As requested in Commission's letter of December 5, I have the honor to enclose herewith jackets and records in Cherokee cases D 51, Mary Crittendon, et al, and 1489 Turner B. Patton, et al.

Respectfully,

MH
Encl-H-238

Chief Clerk
Cherokee Land Office.

(COPY)

D.C. 1847-1904
I.T.D.
9024-1903
F.L.C.

J.V.W.
J.R.W.
S.V.P.
W.C.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

January 11, 1904.

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

Gentlemen:

The Department is in receipt of your Commission's inquiry of December 11, 1903, which states that:

Referring to Departmental letter of November 20, 1903, (I.T.D. 3484-1902), in Cherokee D-51, Mary Crittenden et al., instructing the Commission to enroll the principal applicant as a Cherokee freedman, attention is respectfully called to the fact that said letter fails to state what disposition shall be made by the Commission of the other applicants in that case. The Department having ordered the mother of the minor applicants in this case enrolled as a Cherokee freedman, and it appearing that the father is on final roll of Cherokees by blood opposite number 1356, approved by the Department November 5, 1902, there is doubt as to what classification should be given the children on the final roll.

It appears to the Department that your Commission has misapprehended the questions presented by the record and disposed of by the letter of November 20, 1902, referred to. Benjamin Crittenden applied for enrollment of himself and his four minor children named as citizens by blood of the Cherokee Nation and for enrollment of his wife, Mary, as a citizen by intermarriage, all of which were allowed by your Commission, June 9, 1902. Counsel for the Cherokee Nation protested only against the enrollment of Mary as a citizen by marriage. No objection was made to the enrollment of Benjamin and his four minor children as citizens by blood, so that their enrollment having been made, and their right standing admitted, no question respecting them was, or is now, presented.

The record, however, shows that Benjamin and Mary were married in 1891. The children were born to Benjamin Crittenden after the roll of 1880 was made. If he appears on the roll of 1880 the statute requires only

rollment of his children, the word descendants being "a term of broader significance than legitimate descendants or heirs," as stated in the letter referred to. As their enrollment was ordered by your Commission, June 9, 1902, and this judgment does not appear to have been objected to by the Cherokee Nation, but was accepted by it as a proper ~~disposal~~ disposal of the application, no question of difficulty or doubt seems to arise. All that is requisite is for your Commission to carry out the judgment which it has made.

Very respectfully,

(signed) THOS. RYAN,
Acting Secretary.

(MFM)

(COPY)

Cherokee D 51

Cherokee, Indian Territory, January 20, 1904.

Benjamin Crittenden,

Westville, Indian Territory.

Dear Sir:

In regard to the Commission's decision of December 23, 1902, granting your application for the enrollment of your wife, Mary Crittenden, as a citizen by intermarriage of the Cherokee Nation and for the enrollment of your five minor children, Emily, Lewis, David, Lula and Walter Crittenden, as citizens by blood of the Cherokee Nation, which said decision was protested by the attorney for the Cherokee Nation as to your said wife, you are advised that the Commission is in receipt of Departmental letter, dated November 20, 1903, directing that your wife, Mary Crittenden, be enrolled as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

(NFV)

(COPY)

Cherokee D 51

Muskogee, Indian Territory, January 20, 1904.

Benjamin Crittenden,
Westville, Indian Territory.

Dear Sir:

In regard to the Commission's decision of December 23, 1902, granting your application for the enrollment of your wife, Mary Crittenden, as a citizen by intermarriage of the Cherokee Nation and for the enrollment of your five minor children, Emily, Lewis, David, Lula and Walter Crittenden, as citizens by blood of the Cherokee Nation, which said decision was protested by the attorney for the Cherokee Nation as to your said wife, you are advised that the Commission is in receipt of Departmental letter, dated November 20, 1903, directing that your wife, Mary Crittenden, be enrolled as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

(MFM)

(COPY)

Cherokee D 51

Muskogee, Indian Territory, January 20, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In regard to the Commission's decision of December 23, 1902, in the matter of the application of Benjamin Crittenden for the enrollment of his wife, Mary Crittenden, as a citizen by inter-marriage of the Cherokee Nation and for the enrollment of his five minor children, Emily, Lewis, David, Lula and Walter Crittenden, as citizens by blood of the Cherokee Nation, which said decision was protested by the Cherokee Nation as to the said Mary Crittenden, you are advised that the Commission is in receipt of Departmental letter, dated November 20, 1903, directing that Mary Crittenden be enrolled as a Cherokee Freedman.

Respectfully,

Commissioner in Charge

(107)

151





Department of the Interior.

OFFICE OF THE SECRETARY OF THE INTERIOR.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Cher 10366

Annie Parker

Trans. from D261

CHER 10366

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes,
Plyorcreek, T.T., September 11, 1900.

In the matter of the application of Theophilus H. Parker for the enrollment of himself as a Cherokee by intermarriage, and his wife as a Cherokee by blood: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Theophilus H. Parker.
Q What is your age? A I am 58 years old in October; I applied under the act of 1896, I was admitted by the Courts; for myself by adoption and my wife by blood.
Q What is your postoffice address? A Claremore.
Q How long have you resided in the Cherokee Nation?
A I came here the first day of last March, a year ago.
Q The first day of March, 1898? A Yes sir.
Q How long have you lived in the Indian Territory?
A I moved in the Indian Territory in 1890.
Q And in the Cherokee Nation in 1899? A Yes sir.
Q You apply as a Cherokee citizen by blood?
A No sir, by intermarriage.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A No sir, I applied through the Dawes Commission under the act of June 10, 1896.
Q Does the name of your wife appear upon any of the rolls of the Cherokee Nation? A I don't think that it does.
Q Did you apply to the Commission to the Five Civilized Tribes, known as the Dawes Commission, for citizenship in the year 1896?
A Yes sir, I did.
Q Were you admitted or rejected? A I was rejected by the Dawes Commission and I appealed before Judge Townsend.
Q Where did you apply to the Dawes Commission at?
A At Muskogee.
Q You appealed from them to Judge Townsend? A Well, Judge Kilgore was judge at that time but he died before my case came up.
Q For whom do you apply for enrollment? A No one but my wife and myself.
Q Is your wife present? A No sir, she is sick now at Ardmore.
Q What is the name of your wife? A Anne Parker.
Q What is her age? A Well, she don't know her age exactly, she is about 85 I suppose.
Q Is she living? A Yes sir.

Mr. W. W. Hastings, representative of the Cherokee Nation:

- Did you ever live in the Cherokee Nation?
A No sir, I never lived in the Cherokee Nation.
Q Where were you married? A I was married in Texas.
Q When? A In 1870.
Q You were never married according to the laws of the Cherokee Nation? A I don't think that I was.
Q You never got license in the Cherokee Nation? A I don't think that I did; no, I did not.
Q You never was married before, but the one time? A No sir.
Q You were married in Texas when? A In 1870.
Q You never have lived in the Cherokee Nation? A No sir.
Q You now reside where? A At Claremore, Cooweescoowee District.
Q When did you move to Claremore? A The first day of March, 1899.

(8)

Q You never lived in the Cherokee Nation before that time?
A No sir.

- Commissioner Needles: The applicant, Theophilus H. Parker, applies for enrollment by virtue of a decree of the United States Court for the Southern district of the Indian Territory. It appears that the said applicant applied to the Dawes Commission in 1896 for citizenship, and was refused, and appeal was taken to the United States Court for the Southern district of the Indian Territory, and upon said appeal being heard, the said applicant and his wife, Annie, were admitted. The certified copy of said decree is presented and the records of this Commission will show the same facts. The representatives of the Cherokee Nation protest against the enrollment of said Theophilus H. Parker and his wife, Annie, for reasons which will be submitted by them in writing and filed with this application; consequently the final judgment as to the enrollment of the said applicant and his wife at this time will be suspended, and their names will be placed upon a doubtful card. The final decision of the Commission as to the application herein will be forwarded to the applicant when made by mail. Any evidence or argument which he may desire to bring before the Commission before final judgment, he will be entitled to present.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones

Sworn to and subscribed before me this 12th of September, 1900.

(signed) C. R. Breckinridge

Commissioner

CHEROKEES BY BLOOD AND ADOPTION.

(58)

Date Sept 11 1900 1900

Name Theophilus H. Parker Claremore, I.T.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

(85)

Wife's name Annie Parker

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen DOUBTFUL

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____

Applicant to be notified as to time of final hearing in order that he may appear, in person or by Attorney.

It is ordered, decreed and adjudged by the Court that the applicants Arnie Parker and Elmer Stubblefield, be admitted and enrolled as citizens of the Cherokee Tribe of Indians by blood, and the applicant T.H. Parker is hereby admitted and enrolled as a citizen of the Cherokee Tribe of Indians by intermarriage, and entitled to all of the privileges and immunities pertaining to such citizenship. It is further ordered that Arnie Parker, T.H. Parker and Elmer Stubblefield recover of the Cherokee Nation all costs herein expended for which let execution issue.

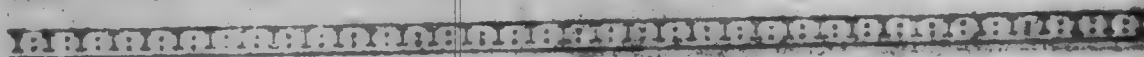
United States of America,
 Indian Territory,
 Southern District.

DEC 15 1902
 U.S. DISTRICT COURT
 INDIAN TERRITORY
 SOUTHERN DISTRICT

I, C.M. Campbell, Clerk of the United States Court within and for the Southern District of the Indian Territory do hereby certify that the above and foregoing is a true, perfect and literal copy of a decree in the above entitled action as the same appears of record at page 268 of Indian Citizenship Records in my office. In testimony whereof witness my hand this 22nd day of March 1902.

C.M. Campbell, Clerk

((SEAL))



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

Muskogee, Ok. T., December 12, 1902.

In witness whereof, the undersigned, Chief Clerk of the Cherokee Enrollment

CI 261

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY SOUTHERN DISTRICT
AT ANIMOKH.

Annie Parker et al, Plaintiffs }
vs. } Decree.
The Cherokee Nation, Defendant. }

On this day came on to be heard before the Court the case of Annie Parker and others against the Cherokee Nation upon the report of the Master in Chancery and the exceptions thereto, heretofore filed in this cause and the Court after being fully advised as to said Master's report and the exceptions thereto sustains and confirms said report and overrules the exceptions filed thereto and admits to citizenship of the Cherokee Nation Annie Parker, Elmer Stubblefield as citizens by blood and T.H. Parker as a citizen by intermarriage in accordance with said Master's report.

WHEREFORE, it is ordered, decreed and adjudged by the Court, that the applicants Annie Parker and Elmer Stubblefield, be admitted and enrolled as citizens of the Cherokee Tribe of Indians by blood, and and the applicant T.H. Parker, is hereby admitted and enrolled as a citizen of the Cherokee Tribe of Indians by intermarriage, and entitled to all of the privileges and immunities pertaining to such citizenship. It is further ordered that Annie Parker, T.H. Parker and Elmer Stubblefield recover of the Cherokee Nation all costs herein expended for which let execution issue.


United States of America,
Indian Territory,
- Southern - District.

I, C.M. Campbell, Clerk of the United States Court within and for the Southern District of the Indian Territory do hereby certify that the above and foregoing is a true, correct and literal copy of a decree in the above entitled action as the same appears of record at page 266 of Indian Citizenship Records in my office. In testimony whereof witness my hand this 29th day of March, 1902.
(SEAL) C. M. Campbell Clerk



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., December 12, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 12th day of December, 1902.


Notary Public

(COPY)

"R"

D 261

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 21, 1902.

In the matter of the application of Theophilus H. Parker
for the enrollment of himself and wife as citizens of the Cherokee
Nation:

Appearances:

Potter & Bowman, Ardmore, I.T., attorneys for applicants;
W. W. Hastings, for the Cherokee Nation.

The Commission: Is there any statement you wish to make Mr.
Bowman relative to this application?

Mr. Bowman: No sir, none except what has already been made,
that I know of.

Commission: You submit the case to the Commission for final
consideration do you?

Mr. Bowman: Yes sir.

Mr. Hastings: I expect we will want to file a brief in the case.

Mr. Bowman: Well then, I suppose we will have an opportunity to
file a reply brief?

The Commission: You will be given ten days in which to file a
brief, one copy with the Commission and one with the representatives
of the Cherokee Nation.

The Cherokee Nation will be given the same time within which to
file a brief, one copy with the Commission, and one with the attor-
neys for the applicants.

Mr. Hastings: I expect that it would be proper for us to file
our brief first.

Mr. Bowman: Then I understand that after the Cherokee Nation
files its brief, we will be allowed ten days from the date we re-
ceive a copy of it, in which to file our brief?

The Commission: Yes.

E. C. Bagwell, on oath states that, as stenographer to
the Commission to the Five Civilized Tribes, he correctly recorded
the proceedings had in the matter above entitled cause, and that
the above and foregoing is a true and accurate transcript of
his stenographic notes thereof.

(signed) E. C. Bagwell

Subscribed and sworn to before me this February 24, 1902.

(signed) I. B. Needles

Commissioner.

(COPY)

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 7th, 1902.

In the matter of the application of Theophilus H. Parker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Annie Parker, as a citizen by blood of the Cherokee Nation.

Supplemental to D-261.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

THEOPHILUS H. PARKER, being duly sworn, testified as follows:

Examination by the Commission.

- Q State your full name? A Theophilus H. Parker.
Q How old are you? A I am 59 years old.
Q What is your postoffice? A Claremore.
Q You are a white man, are you? A Yes sir.
Q What is the name of your wife? A Annie Parker.
Q When did you marry her? A I married her in '70.
Q She is a Cherokee by blood, is she? A Yes sir.
Q You aren't on any roll of the Cherokee Nation?
A Not that I know of.
Q Is your wife on any roll? A I don't know whether she is or not. My case is now pending before the Dawes Commission.
Q You made application to the Dawes Commission for admission to citizenship? A Yes sir, I did, for myself and for my wife, her by blood and me for myself.
Q Do you remember what the Commission did with you?
A They rejected me and I took an appeal.
Q To the United States Court for the Southern District?
A Yes sir. They ordered to place us on the eighty roll.
Q You as intermarried and your wife as a citizen by blood?
A Yes sir.
Q Where were you living at the time you made application to the Dawes Commission? A Chickasaw Nation.
Q When did you come to the Cherokee Nation?
A I come here the first of March, 1899.
Q That is the first time you ever come to the Cherokee Nation?
A Yes sir, when I moved here to Claremore.
Q Have you been living in the Cherokee Nation ever since?
A Ever since.
Q You and your wife? A Yes sir; living together.
Q You have no children? A No children.

Examination by Mr. Starr.

- Q Where were you married? A I refuse to answer that question. That is answered in the brief of my attorney.
Q Were you married under a Cherokee license? A I decline to answer that.

Examination by the Commission.

- Q. Why do you decline to answer?
- A. Because I am not summoned here to answer that. My attorney filed a brief and my case is pending.
- Q. You appealed to the Southern District because you were living down there?
- A. Yes sir.
- Q. Do you remember when that judgment was rendered?
- A. I forget exactly now but I believe it was in 1898--1898 the judgment was rendered.

Examination by Mr. Starr.

- Q. How long have you been living at Claremore?
- A. I have been living there since 1899.
- Q. That is in the Cherokee Nation?
- A. Yes sir.
- Q. Since 1899, when you come to the Cherokee Nation?
- A. Yes sir.
- Q. Been living there ever since?
- A. Yes sir.



Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Jesse O. Carr

Subscribed and sworn to before me this 22nd day, of November, 1902.

(signed) B. C. Jones,

Notary Public

(SEAL)

(MP)

(COPY)

D 261

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T., OCTOBER 15TH, 1902.

In the matter of the application of Theophilus Parker for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Annie, as a citizen by blood of the Cherokee Nation.

Theophilus Parker, being first duly sworn, under examination by the Commission, testified as follows:

- Q What is your name? A Theophilus H. Parker.
Q You gave some testimony before the Commission on October 7, 1902, did you Mr. Parker? A Yes sir.
Q You wish now to give some additional testimony? A Yes sir.

Examined by Cherokee Rep've., J. E. Starr.

- Q What is your name? A Theophilus H. Parker.
Q What is your age? A I am 59.
Q What is your postoffice address? A Claremore.
Q How long have you and your wife, Annie, been married?
A Married in 1870.
Q Where were you married? A Sherman, Texas.
Q Married under the laws of the State of Texas?
A I suppose so, preacher married us.
Q Were you remarried to your wife after you came to the Cherokee Nation? A No sir.
Q Haven't complied with the Cherokee laws relating to intermarriage?
A No sir.

Cora Moore, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the testimony and proceedings in this case and that the foregoing is a true and complete transcript of her stenographic notes thereof.

(signed) Cora Moore

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

(signed) B. C. Jones

Notary Public

(107)

(COPY)

WJS
CR

Cherokee D-261.

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

In the matter of the application of Theophilus H. Parker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Annie Parker, as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on September 11, 1900, Theophilus H. Parker appeared before the Commission at Pryor Creek, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Annie Parker, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 21, 1902, on October 7, 1902, and again on October 15, 1902.

The evidence in this case and the records of the Commission to the Five Civilized Tribes upon examination show that Theophilus H. Parker and his wife, Annie Parker, made application under the provisions of the Act of Congress, June 10, 1896, to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation. Their application was denied by such Commission, and an appeal was thereupon taken from such decision to the United States Court in the Indian Territory for the Southern District. Said Court reversed the decision of the Commission and admitted the applicants to citizenship; Theophilus H. Parker as a citizen by intermarriage and Annie Parker as a citizen by blood. It further appears that Theophilus H. Parker and his wife, Annie Parker, were married under the law of, and removed from Texas and settled in the Chickasaw Nation in 1890, and have resided together continuously in Indian Territory and Cherokee Nation since that time.

It is, therefore, the opinion of this Commission that Theophilus H. Parker should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that his wife, Annie Parker, should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) _____ Tama Bixby
Acting Chairman.

(signed) _____ T. B. Needles
Commissioner.

(signed) _____ C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this _____ Feb - 2 1903

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 7th, 1903.

IN THE MATTER OF THE APPLICATION OF THEOPOLUS H. PARKER FOR
THE ENROLLMENT OF HIMSELF AS A CITIZEN BY INTER-MARRIAGE OF THE CHERO-
KEE NATION, AND FOR THE ENROLLMENT OF HIS WIFE, ANNIE PARKER, AS A
CITIZEN BY BLOOD OF THE CHEROKEE NATION.

Cherokee D---261

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests
against the decision of the Commission rendered on February 1st, 1903,
and asks that the same be forwarded to the Honorable Secretary of the
Interior for review, together with the record and brief filed by the
Cherokee Nation in said case.

The evidence in this case shows that Theopolus H. Parker
is a white man, and there is no pretense whatever that he was married
in accordance with the laws of the Cherokee Nation to his alleged
Cherokee wife. In fact the testimony affirmatively shows that he was
never married in accordance with the laws of the Cherokee Nation. Now
Section 21 of the Curtis Bill passed on June 28th, 1896, subsequent
to the alleged admission of the said Theopolus H. Parker, provides,
after enumerating that the Commission shall enroll other persons,
that the Commission shall enroll---

"Such inter-married white persons as may be entitled to
citizenship under the Cherokee Law."

Now in this case, as above observed, Theopolus H. Parker
himself testified that he was not married in accordance with the
Cherokee Laws, and as a consequence he is not entitled to be enrolled
as an intermarried citizen of the Cherokee Nation.

Your attention is further called to the fact that the Com-
mission in the case of Jane Stille, (Cherokee D-1264), decided that---

"Congress has enacted additional legislation in the Act of
Congress approved June 28th, 1898, directing this Commission to
enroll all persons now living whose names are found on said roll,
and all descendants born since the date of said roll to persons
whose names are found thereon."

In the Stille case the children had applied as citizens of
the Cherokee Nation by blood to the Commission under the Act of June
10th, 1896; were denied; appealed to the United States Court where
they were again denied. In this case Theopolus H. Parker was denied by
the Commission. He appealed to the United States Court, where he was
admitted as a citizen by inter-marriage, although he never represented
any proof of his marriage, and admits himself that he never was mar-
ried in accordance with the Cherokee Law. Now then, if the "Additional
legislation" the Act of Congress approved June 28th, 1898, can af-
fect the Stille children, who were denied by the United States Court,
it certainly ought to reach Theopolus H. Parker, where the same Act
directs the Commission to enroll only "such inter-married white per-
sons as may be entitled to citizenship under Cherokee Law."

We submit that this man should not be enrolled as a citizen
by inter-marriage of the Cherokee Nation.

For the reasons stated in the brief heretofore filed before
the Commission, we do not think his wife should be enrolled as a
citizen of the Cherokee Nation by blood.

Respectfully submitted,

(signed) W. W. Hastings JCS
Attorney for the Cherokee Nation.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she copied all the testimony and proceedings heretofore had in this case, and that the foregoing is a true and correct reproduction of the same.

Mabel F. Maxwell

Subscribed and sworn to before me
this 23rd day of February, 1904.

Simon R. Wallingford

Notary Public

(COPY)

Muskogee, Indian Territory, February 4th, 1902

Mr. Theophilus Parker

Claremore, Indian Territory

Sir:

You are hereby notified that the application of yourself
and your wife for enrollment as citizens of the
Cherokee Nation will be taken up for final consideration by the
Commission to the Five Civilized Tribes, at its office in Muskogee,
Indian Territory, on the 21st day of February, 1902.

On said date, you may, if you desire, appear before the
Commission, in person or by attorney, when an opportunity will be
given you to introduce any additional testimony affecting your
application.

You are further notified that the Representatives of the
Cherokee Nation will also, at the same time, be afforded an oppor-
tunity to introduce testimony tending to disprove your right to
enrollment, but said representatives will be required to notify you
of their intention to introduce such testimony before they will be
permitted to do so.

Copy to Potter and
Bowman,
Ardmore, I.T.
Cherokee D-261
Register.
(MFM)

Yours truly,

Acting Chairman

(COPY)

Cherokee D-261

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Theophilus H. Parker for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Annie Parker, as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tame Bixby,

Acting Chairman.

Enc. H-3

(1874)

(COPY)

Cherokee D-261

Muskogee, Indian Territory, February 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Theophilus Parker for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Annie Parker, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated February 3, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tams Bixby,

Chairman.

Enc. M-3128

Through the

Commissioner of Indian Affairs

(1274)

(COPY)

Cherokee D-261

Muskogee, Indian Territory, February 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Theophilus Parker for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Annie Parker, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 9, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Chairman

(MM)

(COPY)

Cherokee D-261

Muskogee, Indian Territory, February 24, 1903.

Potter and Bowman;

Attorneys for Theophilus H. Parker et al.,

Ardmore, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of Theophilus Parker for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Annie Parker, as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Chairman.

Enc. M-2128
Register.

(MFM)

COPY

Refer in reply to the following:
Land.
13780-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, January 8, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith report from the Commission to the Five Civilized Tribes, dated February 24, 1903, transmitting the record relative to the application of Theophilus H. Parker, for enrollment as an intermarried citizen, and for the enrollment of his wife, Annie Parker, as a citizen by blood, of the Cherokee Nation.

February 2, 1903, the Commission held that the principal applicant was entitled to enrollment as an intermarried citizen, and that his wife was entitled to enrollment as a citizen by blood.

The Cherokee Nation protests against the Commission's decision, and filed a brief and argument in the case.

The record in this case shows that these parties applied to the Commission in 1898 for admission to citizenship in the Cherokee Nation, under the act of June 10, of that year; that their application was denied by the Commission; that an appeal was taken from the Commission's decision to the United States Court for the Southern District of Indian Territory; that the court reversed the decision of the Commission and admitted the applicants to citizenship.

These parties were married under the laws of the State of

Texas, and removed to the Indian Territory and settled in the Chickasaw Nation in 1890. They appear to have resided in the Cherokee Nation and other parts of the Indian Territory since that date.

In view of the foregoing it is respectfully recommended that the decision of the Commission be approved, in so far as it relates to the enrollment of Annie Parker as a citizen by blood, and that the application of Theophilus H. Parker, for enrollment as a citizen by intermarriage, be not passed upon until the Court of Claims shall have rendered an opinion on the question submitted to it by the Department February 24, last.

Very respectfully,
(signed) W. A. Jones,

Commissioner.

GAV-O

D. C. 1850-1904.

JWH THE LRS I.T.D. 50-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON

January 11, 1904.

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

Gentlemen:

February 24, 1903, you transmitted the record of proceedings had in the matter of the application of Theophilus E. Parker, for the enrollment of himself as a citizen by intermarriage, and the enrollment of his wife, Annie Parker, as a citizen by blood, of the Cherokee Nation, including your decision of February 2, 1903, granting said application.

It appears that Parker, who is a white man, was married in 1870, in the State of Texas, in accordance with the laws thereof, to a woman named Annie -----, who was possessed of some degree of Cherokee blood. In 1890, they removed to the Chickasaw Nation, and in 1894 presented an application to your Commission for enrollment as Cherokees. You refused their application. An appeal was taken while they were residents of the Chickasaw Nation, to the United States Court for the Southern District of Indian Territory. In 1897 or early in 1898, a decision was rendered by that court admitting him as a citizen by intermarriage and her as a citizen by blood of the Cherokee Nation.

In 1899 they established their residence in the Cherokee Nation for the first time, where they have ever since resided.

A decision will not be rendered at this time in the matter of the application of Theophilus H. Parker, by reason of the fact that the question of the rights of intermarried Cherokees is now pending before the Court of Claims.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, claiming that the decree of the United States court admitting them to citizenship is null and void. In support of his claim he argues that the jurisdiction of that court did not include the Cherokee Nation, against whom its decision was rendered.

In the Cherokee cases of Eddie Wheatley and William T. Gilliam, decided February 9, 1905, the same question arose as to the jurisdiction of the United States court for the Southern District of the Indian Territory. In the decisions rendered in these cases the Department held that the applicants were entitled to enrollment.

The attorney for the Cherokee Nation also contends that inasmuch as the applicants did not remove to the Cherokee Nation prior to June 26, 1898, their enrollment is barred by that part of section 22 of the Curtis Act which provides that-

"No person shall be enrolled who has not heretofore removed to and be good faith settled in the nation in which he claims citizenship."

It is true that the applicants were not residents of the Cherokee Nation proper until 1899. They have resided, however, in the Indian Territory since 1890. It is considered that the ruling

the Department in the case of Sam Mahardy, rendered April 2, 1901, should be followed in this case. In your report of March 21, 1901, relative to the case of Samuel Mahardy, you informed the Department that by the laws and customs of the Five Civilized Tribes, members of different tribes in the Indian Territory are permitted to reside upon lands of other tribes without forfeiting their right to citizenship. In view of the custom referred to you expressed the opinion that the word "person" in the paragraph quoted above, should be construed as not applying to a citizen of one tribe residing within the limits of another tribe in the Indian Territory in which he does not hold citizenship.

In accordance with your opinion so expressed you decided that Sam Mahardy should be enrolled as a citizen of the Seminole Nation, April 2, 1901, the Department approved your action in the Mahardy case, stating, in connection therewith-

"In your former communications the Department was not advised of this custom which you now state exists, and upon a full consideration of the whole matter it is considered that your action in the enrollment of said Mahardy in was correct."

The attorney for the Cherokee Nation also protests against the enrollment of the principal applicant in the case under consideration, because his marriage to a Cherokee woman was not performed in accordance with the laws of the Cherokee Nation. As this objection concerns the principal applicant only, it will not be considered at present for the reasons stated above.

Reporting in the matter January 2, 1904, the Commissioner of Indian Affairs recommends that your action enrolling Annie Parker as a citizen by blood of the Cherokee Nation be approved. A copy of his letter is inclosed.

The Department concurs in the Commissioner's recommendation and your decision as to her is accordingly affirmed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

(COPY)

Cherokee D 261

Muskogee, Indian Territory, January 20, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Theophilus H. Parker as a citizen by intermarriage and for the enrollment of his wife, Annie Parker, as a citizen by blood of the Cherokee Nation was affirmed by the Secretary of the Interior as to the said Annie Parker, on January 11, 1904.

Respectfully,

Commissioner in Charge.

(HFM)

(COPY)

Cherokee D 261

Muskogee, Indian Territory, January 20, 1904.

Potter & Bowman,

Attorney for Theophilus H. Parker, et al.,

Ardmore, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Theophilus H. Parker as a citizen by intermarriage and for the enrollment of his wife, Annie Parker, as a citizen by blood of the Cherokee Nation was affirmed by the Secretary of the Interior as to the said Annie Parker, on January 11, 1904.

Respectfully,

Commissioner in Charge

(MFM)

(COPY)

Cherokee D. 261

Muskogee, Indian Territory, January 20, 1904.

Theophilus H. Parker,
Cherokee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting your application for the enrollment of your self as a citizen by intermarriage and for the enrollment of your wife, Annie Parker, as a citizen by blood of the Cherokee Nation was affirmed by the Secretary of the Interior as to your said wife on January 11, 1904.

Respectfully,

Commissioner in Charge

(MFM)

(COPY)

Cherokee D-261

Muskogee, Indian Territory, February 24, 1904.

Theophilus Parker,

Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Annie Parker, as a citizen by blood of the Cherokee Nation.

There has this day been furnished your attorneys, Potter and Bowman, Ardmore, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Chairman.

Enc. M-128

Register

(107)

Cher 10367

Sarah E. Niemeyer

Trans. from D20

CHER 10367

Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I.T., July 12, 1900.

In the matter of the application of Sarah E. Niemeyer for the enrollment of herself and children as Cherokees; being duly sworn, and examined by Commissioner Breckinridge, she testified as follows:

- Q What is your name? A Sarah E. Niemeyer.
Q What is your age? A 45.
Q What is your postoffice address? A Adair.
Q In what district is that? A Delaware, I suppose you call it, we live in the Delaware District.
Q How long have you lived there? A We have lived there 4 years it will be this fall.
Q Where did you live before that time? A In Vinita.
Q Have you lived continuously in the Territory during the period you were at Vinita and at or near Adair?
A Yes sir.
Q For whom do you appear to make claim for enrollment, for yourself alone? A For myself and children.
Q How many children have you got under twenty-one years of age and living with you? A I have two.
Q Are they unmarried? A Yes sir.
Q The older children will have to apply for themselves?
A Yes sir, that is all. This boy is the one that is 21.
Q Do you base your claim upon being a Cherokee by blood?
A No sir.
Q Upon what ground do you make your claim? A I was brought here to think I was a Shawnee, and of course it is on that ground; I don't know what it is, I was brought as a Shawnee and registered as one; they brought in a certain number and I came in as a Shawnee.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A It ought to, it ought to appear on every one of them; if it is not entered I can't account for it.
Q In what year was it you came into the Territory?
A In the fall of 1870.
Q What was your name in 1880? A Sarah E. Niemeyer.
Q What is your father's name? A R. W. Purcell.

(The name of the applicant does not appear upon the roll of 1880, nor upon the rolls of 1894 and 1896)

- Q You say that you were brought into the Territory as a Shawnee?
A Yes sir, I was brought in with the tribe.
Q And you have considered yourself a Cherokee-Shawnee?
A I always have.

(The name of Sarah E. Niemeyer appears on the Cherokee-Shawnee pay roll of 1896, page 29, No. 570)

- Q That appears to be the state of facts in regard to your enrollment as far as that data is available to the Commission at this time. Do you know of any other records where your name might appear?
A None at all; I have never been out of the Cherokee Nation nowhere.

- Q Was your husband an Indian?
 A No sir, he was a white man.
 Q If he has had any rights, it was through you? A Yes sir.
 Q Will you please give the names of your minor children, for whom you apply?
 A Ida A. Niemeyer is the oldest, she is nineteen.

(The name of Ida A. Niemeyer does not appear upon the roll of 1894 or 1896. Appears on Cherokee-Shawnee pay roll of 1896, page 29, No. 527)

- Q Is there any further evidence in regard to the enrollment of this child, that you think of? A Not that I know of.
 Q What is the name of the next child?
 A Charles H. Niemeyer.
 Q What is his age? A 15.

(The name of Charles H. Niemeyer does not appear on the Cherokee rolls of 1894 or 1896. On Shawnee-Cherokee pay roll of 1896, page 29, No. 573)

- Q Is there any further evidence of the enrollment of your children, that you know of?
 A No sir, not that I know of.
 Q What was your husband's name? A George Niemeyer.
 Q Was he ever enrolled upon any of the tribal rolls of the Cherokee Nation? A Yes sir, I enrolled him when I enrolled the family.
 Q What year was it? A I enrolled him in 1896 and I enrolled him in 1894.

(The name of George Niemeyer not on rolls of 1894 or 1896. Not on Shawnee-Cherokeepay roll of 1896)

- Q Have you ever made application for enrollment before as a Cherokee? A No sir.
 Q What evidence have you that you came into this country as a Shawnee? A Well, all the evidence I have in the world is just the old Shawnees themselves and my father's word for it.
 Q Have you a copy of some record? A Just the paper that my son brought here.
 Q Have you that paper? A Yes sir, that is the paper.
 Q What was your name in 1871? A It was Sarah E. Purcell.
 Q You have handed me here a paper dated Tahlequah, October 13, 1884; it is signed by W. P. Bowdinet as Executive Secretary of the Cherokee Nation. It is under the seal of the Cherokee Nation. In this paper it is stated that R. W. Purcell and sundry other people of the same name, among them Sarah E. Purcell, are embraced in the list of names of Shawnees who moved and located in the Cherokee Nation prior to the month of June, 1871, in accordance with the agreement between the Shawnee tribe of Indians and the Cherokee Nation, on June 7, 1869, approved by the President of the United States June 9, 1869, in accordance with the Cherokee treaty of 1866, 15th article, as the said list is of record and on file in the Department and from which the

list written is a true and correct copy. Are you and the Sarah E. Purcell there one and the same person?

A Yes sir.

Q Was R. W. Purcell, whose name there appears, your father?

A Yes.

Mr. W. T. Hutchings, attorney for the Cherokee Nation: Your father was R. W. Purcell?

A Yes sir.

Q He was a white man, and not a member of any Indian tribe?

A Not that I know of.

Q Never claimed any Indian blood? A No sir.

Q Your mother was a white woman, was she? A I can't tell you what my mother was; she died when I was 3 years old.

Q Where were you born? A I was born in Ohio.

Q Not amongst the Shawnee tribe of Indians? A Not that I know of.

Q Your father, after your mother's death, married a Shawnee Indian woman? A Yes sir.

Q And when he came to the Indian Territory with his Shawnee wife, you came with him? A Yes sir.

Q Being a minor child? A Yes sir.

Mrs. Niemeyer, the Commission will not render a decision at present in your application for yourself and your two children, but will take the matter under advisement. Any further evidence that may occur to you, any written evidence, affidavits, or transcripts of official records, that you can furnish within a reasonable time, will be taken into consideration in connection with your case, and whatever decision the Commission arrives at, you will be informed of in writing at your present postoffice. If you should, for any reason, change your postoffice address, you are requested to advise the Commission, or to leave proper direction at home for your mail to be forwarded. And when the Commission has rendered its decision, all the papers in the case, with the statement of the Commission's decision and reasons therefor, will be forwarded to the Honorable Secretary of the Interior at Washington, whose approval or disapproval will be necessary for making the decision final in the case.

-----o-----

Bruce C. Jones, being duly sworn, says that, as stenographer to the Commission to the Five Civilized Tribes, that he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 13th day of July, 1900.

(signed) T. B. Needles,

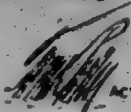
Commissioner.

19- 020

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 12 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date July 17 1900.

Name Susan E. Meyer, Adair, S. C.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship U. S.

Intermarried citizen Father - P. W. Powell

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Name	Dist.	Year	Page	No.	Age
<u>Ida A. Meyer</u>					<u>19</u>
<u>Chas. H. " "</u>					<u>15</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

1. On 1896 Pay Roll of Cherokee-Shawnee
 Tribe of Indians, page 29, No 570.
 * On 1896 Pay Roll of Cherokee-Shawnee
 Tribe of Indians page 29, No 572
 On 1896 Pay Roll of Cherokee-Shawnee
 Tribe of Indians, page 29, No 573.

Band 19

6

D20

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 22 1901



ACTING

COMMISSIONERS

HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Witnessed by Oct 22 1904

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of
Samuel E. Lawrence et al for enrollment as
citizens of the Cherokee Nation.

No. A 20

S. E. Jones
Atty for applicant.

Re.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T. October 22, 1901.

In the matter of the application of Sarah E. Niemeyer, et al., Cherokee Doubtful case #20.

SUPPLEMENTAL TESTIMONY.

Appearances:

- S. F. Parks for the applicant.
- J. L. Baugh for the Cherokee Nation.

Testimony on behalf of the applicant.

SARAH E. NIEMEYER, being first duly sworn by the Commission, testified as follows in her own behalf:

(By MR. Parks)

- Q State your name? A Sarah E. Niemeyer.
- Q Are you the Sarah E. Niemeyer who applied before this Commission at Fairland last year? A Yes sir.
- Q What was your maiden name? A Purcell.
- Q What was your father's name? A Robert W. Purcell.
- Q What was his citizenship? A Shawnee.
- Q When did he come to this country? A In '71.
- Q Did he come here within the time---or did he avail himself of the provisions of the treaty made between the Cherokees and the Shawnees on June 9th 1869, that is, come within two years from the making of that treaty? A Yes sir, he come with the rest of them.
(Applicant's attorney here hands here a paper)
- Q Does your name appear on that? A Yes sir, there is my name.
- Q Sarah E. Purcell? A Yes sir.

(By Mr. Baugh)

- Q What was your mother, an Indian or a white woman? A I don't know; she died before I knew.
- Q Did you never hear your father say? A No sir.
- Q In fact you have no history about your mother at all? A No sir.

THOMAS DOUGHERTY, being first duly sworn by the Commission, testified as follows on the part of the applicant:

(By Mr. Parks)

- Q State your name? A Thomas Dougherty.
- Q What is your age? A 51.
- Q Where do you reside? A Here in Vinita.
- Q Are you acquainted with Sarah E. Niemeyer, the applicant in this case? A Yes sir.
- Q How long have you known her? A I have known her about 15 or 20 years.
- Q What was her maiden name? A Purcell.
- Q Did you know her father? A Yes sir.
- Q Do you know what his name was? A Robert, I think.
- Q Purcell? A Yes sir.
- Q Is this lady here a daughter of Robert Purcell? A Yes sir.

(By Mr. Baugh)

- Q Do you, knowing Mrs. Niemeyer does not appear upon the roll of 1860?

- Q Has she always lived in the Cherokee Nation?
A Ever since I knew her, yes sir.
Q And you say you have known her for twenty years? A Yes sir.
Q Did she come here with the Shawnees to the Cherokee Nation?
A I can't say as to that, only by hearsay.
Q You don't know whether this lady is the same person whose name appears on that certificate or not? A No sir, only by the name.
Q You don't know about it of your own knowledge? A No sir.
(By Mr. Parks)
Q You know she has been recognized as the daughter of Robert Purcell?
A Yes sir.
(By Mr. Baugh)
Q Did you know who her mother was? A No sir, I didn't.

HARRIETT ROSS, being first duly sworn by the Commission, testified as follows on the part of the applicant:

(By Mr. Parks)

- Q State your name? A Harriette Ross.
Q What is your age? A 64.
Q What is your citizenship, Cherokee, Delaware, or Shawnee?
A Shawnee.
Q Are you acquainted with Sarah E. Niemeyer? A Yes sir.
Q Is this the lady here? A Yes sir.
Q How long have you known her? A Ever since she was a baby, I raised her.
Q You did? A Yes sir.
Q When did she come to this country, if you remember?
A Time when all of us come.
Q Are you any relation to this lady? A Only by marriage.
Q What relation? A Stepmother.
(By Baugh)
Q Are you a Shawnee by blood? A Yes sir.
Q By blood? A Yes sir.
Q Was your husband a Shawnee by blood? A No sir, not Purcell, he wasn't, he was a white man.
Q Are you a Shawnee direct by blood? A Yes sir, my mother was a quarter-blood Shawnee.
Q And your husband Purcell was a white man? A Yes sir.
Q Do you know what Mrs. Niemeyer's mother was, Indian or white woman?
A White woman.
Q And her father was a white man? A Yes sir.
(By the Commission)
Q This applicant does not claim to be a Shawnee by blood then?
A No sir, by adoption.

(This will be filed in the case)

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this 30th of October, 1901.

(signed) T. B. Needles,

Commissioner.

Encl. 2

8

D. 20.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 18 1902



ASSISTANT SECRETARY

COMMISSIONERS

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wata S S. Feb. 13, 1902

Received of the Commission to the Five Civilized Tribes
supplemental
one copy of the testimony in the matter of the application of
Sarah E. Mendenhall for enrollment as
Freedmen of the Cherokee Nation.

A. Parks

No. 627

(3)

Supl. C.D-20

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 15, 1902.

SUPPLEMENTAL in the matter of the enrollment of Sarah E. Niemeyer as a citizen of the Cherokee Nation:

The applicant's attorney, S. F. Parks, of Vinita, Indian Territory, was notified by registered letter on January 30, 1902, that this case would be taken up for final consideration February 15, 1902, and that an opportunity would be given the applicant at that time to introduce any additional testimony affecting her application. Both the applicant and her attorney have been called three times and fail to respond and the case is closed.

(signed) T. B. Needles,

Commissioner.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she copies the testimony and proceedings in this case, and that the above and foregoing is a true and correct reproduction of the original transcript of the same.

Mabel F. Maxwell

Subscribed and sworn to before me
this 20th day of February, 1904.

Simon B. Hallingford

Notary Public.

(NFM)

D20

COMMISSION TO THE FIVE

FILED

JUL 1 1902

22

citizen of the Cherokee Nation.

Commissioner.

James S. Whitefield

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT.

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 9 day of Aug. ~~1898~~ ¹⁹⁰⁰, at 1252 M., and duly recorded in Book; Marriage Record, Page

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 9 day of Aug. ¹⁹⁰⁰, A. D. ~~1898~~.

(Signed) Chas A. Davidson Clerk.

By (Signed) P.M. Ford Deputy.

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

Muskogee, I. T., July 1 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of ~~the original offered in evidence in the matter of the application for enrollment of F. L. Jones~~ ^{stenoographer to the above named Commission}

..... as citizen of the Cherokee Nation.

Franklin S. Dite, July
Commissioner.

D20

COMMISSION TO THE FIVE CIVILIZED TRIBES
I.T.I.T.D
JUL 1 1902

MARRIAGE LICENSE.

Cherokee D-20

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT. }

No. 648

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
Mr. J. E. Jones, of Adair, in
the Indian Territory, aged 28 years, and Miss Ida A. Wiestner,
of Adair, in the Indian Territory, aged 19 years,
according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory this 24 day of
(SEAL) July A. D. ~~1900~~ 1900

(Signed) Charles A. Davidson
Clerk of the U. S. Court.

By (Signed) T. A. Chandler Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT, }

I, J. R. Enoch, Mayor of Vinita, Missouri, Do HEREBY CERTIFY,
that on the 24 day of July, A. D. 1900, I did duly and
according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
of Matrimony between the parties therein named.

WITNESS, my hand this 24 day of July, A. D. 1900

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book _____, Page _____

(Signed) J. R. Enoch
Mayor, Vinita, Missouri

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

AAD
GR

In the matter of the application for the enrollment of Sarah E. Niemeyer, Ida A. Jones, Charles H. Niemeyer and Robert E. Jones, as citizens of the Cherokee Nation, and for the enrollment of George W. Niemeyer, as a citizen by intermarriage of the Cherokee Nation, consolidating the applications of:

Sarah E. Niemeyer et al., Cherokee D- 20
George W. Niemeyer, " D-3177

D E C I S I O N

(D 20) The record in this case shows that on July 12, 1900, Sarah E. Niemeyer appeared before the Commission at Fairland, Indian Territory, and made application for the enrollment of herself and her two children, Ida A., and Charles H. Niemeyer, as citizens of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 22, 1901. On June 24, 1902, a marriage certificate was filed with the Commission, showing the marriage of said Ida A. Niemeyer to one J. E. Jones on July 26, 1900, and on October 15, 1902, a birth affidavit was filed for Robert E. Jones, a child of that marriage, and the same is made a part of this record.

(D 3177) The record in this case shows that on October 9, 1902, George W. Niemeyer appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Under a misapprehension as to the law, his said application was not received nor any record made of the same at that time. On October 13, 1902, the Commission, by letter, notified this applicant that if he desired to renew his application, he would be permitted to do so by appearing in person before the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, and that such application should be made by him on or before October 31, 1902. Owing to a change in his post office address, such letter was not received by the applicant until November 1, 1902, and on November 13, 1902, the said George W. Niemeyer appeared before the Commission at Muskogee, Indian Territory, and renewed his application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence in these cases shows that the said Sarah E. Niemeyer is a white woman, but she is identified, under her maiden name of Sarah E. Purcell, on the Shawnee Register, which Register, contains the names of those who permanently located in the Cherokee Nation under the terms of the treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians on June 7, 1869, and approved by the President of the United States June 9, 1869, which said treaty, in part, provides:

.....That the said Shawnees shall be incorporated into and ever afterwards remain a part of the Cherokee Nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee Nation; provided, that all of said Shawnees who shall elect to avail themselves of the provisions of this agreement, shall register their names, and permanently located in the Cherokee Nation, as herein provided, within two years from the date hereof, otherwise they shall forfeit all rights under this agreement.*

The evidence further shows that the said George W. Niemeyer, a white man, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on August 22, 1876, to the said Sarah E. Purcell, who, under the provisions of the treaty above quoted, acquired the status of a Cherokee citizen by blood. The said Sarah E. Niemeyer and her two children are identified on the Cherokee-Shawnee pay roll of 1896. Robert E. Jones is identified by a birth affidavit made a part of this record.

The evidence further shows that the said Sarah E. Niemeyer has resided in the Cherokee Nation since 1871; that George W. Niemeyer has resided in the Cherokee Nation since the date of his marriage in 1876, and has been living with his wife, Sarah E., from that time up to and including September 1, 1902. The two children of the said George W. and Sarah E. Niemeyer, being minors, at the date of the application for their enrollment, are considered to have resided in the Cherokee Nation from their birth up to and including June 28, 1898, and the residence of Robert E. Jones, born since 1898, is considered to be that of his mother, the said Ida A. Jones.

It is, therefore, the opinion of this Commission that Sarah E. Niemeyer, Ida A. Jones, Charles H. Niemeyer, and Robert E. Jones should be enrolled as citizens of the Cherokee Nation, and that George W. Niemeyer should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tamm Bixby
Acting Chairman.

(signed) T. B. Needles
Commissioner.

(signed) C. R. Brackinridge
Commissioner.

Muskogee, Indian Territory,

This Jan 15 1903

E. 2030

CO

FILED
JAN 31 1902

Handwritten signature

ATTEST CHAS. MAH

COMMISSIONERS
HENRY L. DAVIS,
TAMM BERRY,
THOMAS B. HEDGECOCK,
C. R. BRACKENRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30,

1902

Mr. Arch B. Hester,

Adair, Indian Territory.

Notice:

You are hereby notified that the application of yourself and two minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the

15th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to S.F. Parks, Reg. of
Vitals, I.C.
Register
Cherokee 2-29

Yours truly,

Acting Chairman.

(COPY)

Muskogee, Indian Territory, February 14, 1902.

Mr. S. F. Parks, Esq.,

Attorney at Law,

Vinita, I.T.

Dear Sir:

The Commission is in receipt of your letter of February 8, stating that you represent Sarah Neimeyer and Robert Neimeyer in their application before this Commission for enrollment as citizens of the Cherokee Nation, and requesting copies of the testimony in these cases.

No such party as Robert Neimeyer has made application before this Commission for enrollment as a citizen of the Cherokee Nation. It is presumed, however, that the applicant you refer to is William Neimeyer, son of Sarah Neimeyer, who applied to this Commission on the same date as his mother. There is enclosed you herewith a copy of the testimony taken in his case and you have been entered as his attorney.

There is also enclosed you herewith a copy of supplemental testimony taken in the matter of the application for the enrollment of Sarah Neimeyer.

A copy of the original testimony in this case was receipted for by you on October 12, 1901. You will please sign and promptly return enclosed receipts for the testimony herewith sent you.

Yours truly,

Enc. J-2
Cherokee D-19
D-20

Commissioner in Charge.

(COPY)

(COPY)

Cherokee D 20

Muskogee, Indian Territory, June 12, 1902.

J. E. Jones,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from D. B. Elliott of Chelsea, Indian Territory, enclosing a birth affidavit in the matter of the application of your son, Robert E. Jones, for enrollment as a citizen of the Cherokee Nation.

As the mother of this child has been listed for enrollment under her maiden name, it will be necessary that you furnish the Commission with your original marriage license and certificate before the affidavit as to the birth of your child can receive further consideration. Please give this matter your prompt attention.

Yours truly,

Commissioner in Charge.

(107)

(COPY)

(COPY)

Cher. D-20

Muskogee, Indian Territory, June 12, 1902.

D. G. Elliott,

Chelsea, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, enclosing birth certificate in the matter of the application of Robert E. Jones, the infant child of J. E. Jones and Ida A. Jones, and stating under what name the said Ida A. Jones was listed for enrollment by the Commission.

In reply, you are advised that from the information contained in your letter, she has been duly identified on the Commission's records, but as she has been listed for enrollment under her maiden name, it will be necessary that the Commission be furnished with the original marriage license and certificate of J. E. Jones and Ida A. Jones before the affidavit as to the birth of the child Robert E. Jones, can receive further consideration.

Yours truly,

Commissioner in Charge.

(COPY)

(COPY)

Cherokee
D-20 & D-3177

Muskogee, Indian Territory, January 23, 1903.

V. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting the application for the enrollment of Sarah E. Niemeyer, Ida A. Jones, Charles H. Niemeyer and Robert E. Jones as citizens of the Cherokee Nation, and for the enrollment of George W. Niemeyer as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant.

If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. M-104

(COPY)

Vinita, Indian Territory, February 17, 1903.

Commission to the Five Civilized Tribes,

Wakarusa, Indian Territory.

Gentlemen:

As directed in the Commission's letter of February 13, the original jackets and records in the following applications for enrollment as citizens of the Cherokee Nation are transmitted herewith:

D- 88, Sarah E. Niemeyer, et al.,
D- 841, Theophilus Parker, et al.,
D-1888, Sarah Scott,
D- 804, James Dunsen,
D- 887, Hiram Blackfish,
D- 870, Susan L. Brown, et al.

Respectfully,

Clerk in Charge.

Enc 1-8-3

228

(COPY)

Cherokee
D-20 & D-1377

Muskogee, Indian Territory, February 21, 1903.

Mr. W. Vestings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of George W. Niemeyer for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and the application of his wife, Sarah E. Niemeyer, for the enrollment of herself and her three minor children, Ida A and Robert E. Jones and Charles H. Niemeyer, as citizens of the Cherokee Nation, including the Commission's decision, dated January 23, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 9, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tara Bixby,

Chairman.

(1074)

(COPY)

Cherokee
D-90 & D-1877

Muskogee, Indian Territory, February 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of George W. Niemyer for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and the application of his wife, Sarah E. Niemyer, for the enrollment of herself and her three minor children, Ida A. and Robert E. Jones and Charles E. Niemyer, as citizens of the Cherokee Nation, including the Commission's decision, dated January 23, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tom Dixie,

Chairman.

Enc. H-2187
Through the

Commissioner of Indian Affairs.

(200)

(COPY)

Cherokee
D-20 & D-2177

Muskogee, Indian Territory, February 24, 1903.

George W. Niemyer,
Pryorocreek, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 23, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage with the Cherokee Nation, and the application of your wife, Sarah R. Niemyer, for the enrollment of herself and her three minor children, Ida A. and Robert R. Jones and Charles H. Niemyer, as citizens of the Cherokee Nation.

There has heretofore been furnished your attorney, S. E. Parks, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Wm. H. H. H.

Wm. H. H.

(COPY)

Cherokee
D-20 & D-1377

Muskogee, Indian Territory, February 24, 1903.

S. F. Parks,

Attorney for George W. Niemeyer et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of George W. Niemeyer for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and the application of his wife, Sarah E. Niemeyer, for the enrollment of herself and her three minor children, Ida A. and Robert E. Jones and Charles H. Niemeyer, as citizens of the Cherokee Nation, together with a copy of the Commission's decision, dated January 23, 1903, granting said applications. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Enc. M-3127
Register.

True Copy.

COPY

Refer in reply to the following:
Land. 13780-1903.
14217-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 2, 1904.

The ~~X~~onorable,

The Secretary of the Interior.

Sir:

I have the honor to inclose herewith a report from the Commission to the Five Civilized Tribes, dated February 24, 1903, transmitting the record relative to the application of George W. Niemyer, et al., applicants for enrollment as citizens of the Cherokee Nation; also a communication from W.W. Hastings, Attorney for the Cherokee Nation, dated February 27, 1903, forwarding an additional protest of the Cherokee Nation against the enrollment of the parties to this case.

The record in this case shows that Sarah E. Niemyer applied for the enrollment of herself and her two children, Ida A., and Charles H. Niemyer, as citizens of the Cherokee Nation.

Ida A. Niemyer was married to J.E. Jones July 26, 1900, and May 24, 1902 Robert E. Jones, the issue of that marriage, was born. This child is properly identified by birth affidavit.

George W. Niemyer applied for the enrollment of himself as an intermarried citizen.

The record in this case shows that Sarah E. Niemyer is a white woman, whose name appears on the Shames Register of Shames Indians who removed to and permanently located in the Cherokee Nation in accordance with the Cherokee-Shames agreement approved June 1, 1828. Her name is on the roll of Sarah E. Niemyer.

name. This agreement, ^{provided} among other things -

"That the said Shawnees shall be incorporated into and ever afterwards remain a part of the Cherokee Nation on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee Nation, provided that all of said Shawnees who shall elect to avail themselves of the provisions of this agreement shall register their names and permanently locate in the Cherokee Nation, as herein provided, within two years from the date hereof, otherwise they shall forfeit all rights under this agreement."

Sarah E. Niemeyer, nee Purcell, and George W. Niemeyer, a white man, were married in accordance with the laws of the Cherokee Nation August 22, 1876. Sarah E. Niemeyer and her two children are identified by the Cherokee-Shawnee pay roll of 1896. She has resided in the Cherokee Nation since 1871, and George W. Niemeyer has resided there since 1876.

January 15, 1903, the Commission held that all of the applicants were entitled to enrollment, - George W. Niemeyer as a citizen by intermarriage.

When Sarah E. Niemeyer, nee Purcell, removed to the Cherokee Nation under the terms of the Cherokee-Shawnee agreement, and complied therewith, she acquired all the rights vested in native Cherokees, and she and her minor children are entitled to enrollment as citizens of the Cherokee Nation.

In connection herewith attention is respectfully invited to Department letter of December 16, 1902, (JKD.7840), in the John B. Kinney case, and the approval of the Commission's decision, in so far as it relates to all of the applicants, except George W. Niemeyer, is recommended. His right should not be passed upon until after the

Court of Claims shall have rendered an opinion on the question submitted to it by the Department February 24 last.

Very respectfully,

V.A. Jones,

Commissioner.

GAW-O.

D.C. 1512-1904.

J.W.H. LRS FHE I.T.D. 42-1904.

DEPARTMENT OF THE INTERIOR,

WASHINGTON/

January 8, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your communication of February 24, 1903, transmitting the record of proceedings had in the matter of the application of George W. Niemeyer, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and the application of his wife, Sarah E. Niemeyer, for the enrollment of herself and her children, Ida A. Jones and Charles E. Niemeyer, and her grandchild, Robert E. Jones, who is the son of the said Ida A. Jones, as citizens by adoption of said Nation, together with your decision of January 23, 1903, granting said applications.

Inasmuch as George W. Niemeyer claims Cherokee enrollment by intermarriage, a decision will not be rendered in the matter of his application until the Court of Claims renders a decision relative to the rights of intermarried Cherokees, as requested by the Department February 24, 1903.

It appears that Sarah E. Niemeyer is a white woman; that she was born in Ohio, and removed with her father, R. V. Purcell, to the Indian Territory, but she is identified as Sarah E. Purcell.

on the Shawnee register, which contains the names of those persons who permanently located in the Cherokee Nation under the terms of the treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians on June 7, 1869, approved by the President of the United States June 9, 1869, which treaty provides in part as follows:

..... That the said Shawnees shall be incorporated into and ever afterwards remain a part of the Cherokee Nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee Nation; provided, that all of said Shawnees who shall elect to avail themselves of the provisions of this agreement, shall register their names, and permanently locate in the Cherokee Nation, as herein provided, within two years from the date hereof, otherwise they shall forfeit all rights under this agreement."

It further appears that the name of Sarah E. Niemeyer, and those of Ida A. and Charles H. Niemeyer are found on the Cherokee-Shawnee pay roll of 1896.

It also appears that Mrs. Niemeyer has resided in the Cherokee Nation since 1871. Her name does not, however, appear upon the Cherokee roll of 1880, 1894 or 1896. Robert E. Jones is properly identified by a birth affidavit filed October 15, 1902.

It does not appear that the name of Sarah E. Purcell appears upon the Shawnee Register by fraud or mistake. The Department therefore considers that, by force of the treaty referred to above, she and her children are possessed of the rights of native born Cherokees and are therefore entitled to enrollment, notwithstanding the fact that her name appears upon no roll other than said Register. The fact that Mrs. Niemeyer is a white woman is immaterial so far as her rights as a Cherokee are concerned.

It is noted that the Cherokee Nation protests against the enrollment of George W. Niemeyer. This protest will be considered when a decision is rendered by the Department in his case.

Reporting in the matter January 2, 1904, the Commissioner of Indian Affairs recommends that your action be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision, in favor of the applicants, is accordingly affirmed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee B 20
B 2177

Muskegee, Indian Territory, January 18, 1904.

Sarah E. Niemeyer,
Adair, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 15, 1903, granting your application for the enrollment of yourself, your two children, Ida A. Jones and Charles E. Niemeyer, and your grandchild, Robert E. Jones, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of your husband, George W. Niemeyer, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except your said husband on January 8, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 20
D 2177

Muskegee, Indian Territory, January 18, 1904.

S. F. Parks,

Attorney for Sarah E. Niemeyer, et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1904, granting the application of Sarah E. Niemeyer for the enrollment of herself, her two children, Ida A. Jones and Charles H. Niemeyer, and her grandchild, Robert E. Jones, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of her husband, George W. Niemeyer, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except the intermarried applicant on January 8, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 20
D 2177

Muskogee, Indian Territory, January 16, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1903, granting the application of Sarah E. Niemeyer for the enrollment of herself, her two children, Ida A. Jones and Charles H. Niemeyer, and her grandchild, Robert E. Jones, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of her husband, George W. Niemeyer, as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior as to all except the intermarried applicant on January 6, 1904.

Respectfully,

Commissioner in Charge.

Cher 10368

Annah M. Setser

Trans. from R434

Cher 10368

REJECTED:

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 TAHLEQUAH, I.T., DECEMBER 1st, 1900.

In the matter of the application of Sarah A. Setser for the enrollment of herself and children as citizens of the Cherokee Nation; said Setser being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Sarah A. Setser.
 Q What is your age? A 32.
 Q What is your postoffice address? A Tahlequah.
 Q What district do you live in? A Tahlequah.
 Q Are you a recognized citizen of the Cherokee Nation?
 A Yes sir.
 Q By blood or intermarriage? A Intermarriage.
 Q Who do you desire to enroll?
 A Myself and children; my husband is dead.

~~Com'ri--~~ Applicant presents a certificate of marriage certifying that one D. C. Setser married one Sarah Beavers on the 4th day of September, 1886.

- Q Your husband's name was D. C. Setser? A Yes sir.
 Q He was a Cherokee by blood was he? A Yes sir.
 Q What are the names of your children?
 A Annah M. She is 13.
 Q Is your husband's name on the roll of 1890?
 A No sir, I do not know whether it was or not.
 Q What is the name of your next child?
 A Janie A., age 11.
 Q The next one? A Maudie L.
 Q How old is she? A She is nine.
 Q What is the name of the next one? A Eller M., age six;
 then there is two that is not on there.
 Q What are their names? A David F., age four.
 Q The next one? A Lillie B., she will soon be two, the 13th of this month.

INTERROGATORIES BY W. W. HASTINGS,
 Cherokee Representative:

- Q You were married in Tennessee? A Yes sir.
 Q You were living there at the time? A Yes sir.
 Q How long had he been living there before you married?
 A He started to this country before the emigration give out and got as far as Sweet Water, Tennessee and staid there until '93, I believe it was.

(2)

Applicant: I don't think he ever had my name put down on the 1896 roll, but we had mine and my little boy's sent to the Dawes Commission. He just neglected to have my name put down.

1894 Roll; page 1149, #2961, David C. Setser, Tahlequah.
1894 Roll; page 1149, #2962, Anna M. Setser, Tahlequah.
1894 Roll; page 1149, #2963, Jamie Setser, Tahlequah.
1894 Roll; page 1149, #2964, Mand Setser, Tahlequah.
1894 Roll; page 1149, #2965, Ella M. Setser, Tahlequah.

Q Have you got any proof of birth of these two younger children?
A I have not with me.

Gen'r Needles:-- Mrs. Setser, your husband applied for citizenship for himself and yourself in 1896, to the Dawes Commission and the application was denied. Upon examination of the rolls of the Cherokee Nation for the year 1896, Booklet B, page 245, Case No. 4421, it is found that David C. Setser, et al., applied for Cherokee Citizenship on the 4th day of September, 1896, and that their application was denied, no appeal was taken; consequently the application of the said Sarah E. Setser for the enrollment of herself and children will be denied and they will be rejected, the decision of the Dawes Commission being conclusive.

---ooo||ooo---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Reason.


Subscribed and sworn to before me this 3d day of December, 1900.

(signed) T. B. Needles,
Commissioner.

(END)

R A 34 B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 1 1900


ACTING CHAIRMAN

RECORDED AND INDEXED

NOV 27 1900

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC - 1 1900 1900.

Name Tahlequah D.B.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen Reported

Married under what law _____ Date of marriage _____

License (22) Sarah N. Deter Certificate

Wife's name Sarah N. Deter

District _____ Year 1896 Page _____ No. _____

Citizen by blood yes Mother's citizenship _____

Intermarried citizen yes

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children

Names of Children	Dist.	Year	Page	No.	Age
<u>Anna M. Deter</u>	<u>Tahlequah</u>	<u>1896</u>	<u>1149</u>	<u>2962</u>	<u>13</u>
<u>Jane W.</u>	<u>Tahlequah</u>	<u>1896</u>	<u>1149</u>	<u>2963</u>	<u>11</u>
<u>Ignand S.</u>	<u>Tahlequah</u>	<u>1894</u>	<u>1149</u>	<u>2964</u>	<u>9</u>
<u>ella M.</u>	<u>Tahlequah</u>	<u>1894</u>	<u>1149</u>	<u>2965</u>	<u>6</u>
<u>David J.</u>	_____	_____	_____	_____	<u>4</u>
<u>Lillie E.</u>	_____	_____	_____	_____	<u>2</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

son 1896 Anna M. Deter
daughter Jane
Mrs. Ignand

Admitted by the Census Com. - 1896

Block 12 Number 45 Case # 11421

~~10368~~ ¹⁰³⁶⁸

IN RE

Application for Enrollment of

INFANT CHILD

Dana K. Letcher

as a citizen of

Cherokee

Nation.

Approved, DEC 14 1900

190

[Signature]
Chairman

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 14 1900

[Signature]

ACTING CHAIRMAN

~~DATA~~
10368

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
 of David F. Setser, born on the 22nd day of July, 1896,
 Name of Father: David A. Setser, a citizen of the Cherokee Nation.
 Name of Mother: Sarah A. Setser, a citizen of the Cherokee Nation.
 Post-office: Wahlequah, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Northwestern District.

I, Sarah A. Setser, on oath state that I am 32
 years of age and a citizen, by adoption of the Cherokee Nation;
 that I am the lawful wife of David Setser, who is a citizen, by
blood, of the Cherokee Nation, that a Male child was
 born to me on the 22nd day of July, 1896, that said child has been
 named David F. Setser, and is now living.

WITNESSED TO MARK

Sarah A. Setser

(Must be Two Witnesses)

Subscribed and sworn to before me this 14th day of December, 1900

Commission Expires SEP 12 1907

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Northwestern District.

I, Mortha Setser, Midwife, on oath state that I
 attended on Mrs. Sarah A. Setser, wife of David Setser,
 on the 22nd day of July, 1896, that there was born to her on
 said date a Male child; that said child is now living and is said to have been
 named David F. Setser.

WITNESSED TO MARK:

Mortha Setser

(Must be Two Witnesses)

Subscribed and sworn to before me this 14th day of December, 1900

Commission Expires SEP 12 1907

NOTARY PUBLIC

~~103~~
IN RE

Application for Enrollment of

INFANT CHILD

Julie E. Sotter

as a citizen of

Cherokee

Nation.

Approved, **DEC 14 1900**

190

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 14 1900

[Signature]

ACTING CHAIRMAN

~~GAAGA~~

1036

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
 of Lillie E. Seter born on the 13th day of December, 1898
 (Here first name of child)
 Name of Father: David Seter, a citizen of the Cherokee Nation.
 Name of Mother: Sarah A. Seter, a citizen of the Cherokee Nation.
 Post-office: Halequah, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

North INDIAN TERRITORY, District.

I, Sarah A. Seter, on oath state that I am 32
 years of age and a citizen, by adoption, of the Cherokee Nation;
 that I am the lawful wife of David Seter, who is a citizen, by
blood, of the Cherokee Nation, that a Female child was
 (male or female)
 born to me on the 13th day of December, 1898 that said child has been
 named Lillie E. Seter, and is now living.

WITNESSES TO MARK

Sarah A. Seter

(Must be Two Witnesses)

Subscribed and sworn to before me this 6th day of December, 1906

J. S. Bayles
NOTARY PUBLIC.

Expires SEP 12 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

North INDIAN TERRITORY, District.

I, Israel Hill, Physician, on oath state that I
 attended on Mrs. Sarah A. Seter, wife of David Seter,
 on the 13th day of December, 1898 that there was born to her on
 said date a Female child; that said child is now living and is said to have been
 (male or female)
 named Lillie E. Seter.

WITNESSES TO MARK:

Israel Hill, M.D.

(Must be Two Witnesses)

Subscribed and sworn to before me this 6th day of December, 1906

J. S. Bayles
NOTARY PUBLIC.

EXPIRES SEP 12 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, ILL., DECEMBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF Sarah A. Setser, "R",
#434. Sarah A. Setser, being sworn and examined by Commissioner T. B.
Needles, testified as follows:

- Q What is your name? A Sarah A. Setser.
Q You applied to be enrolled here, did you? A Yes sir.
Q You applied for yourself and your children? A Yes sir.
Q What statement do you desire to make? A (No response)

By W. W. Hastings, Cherokee Representative:

- Q What is your husband's name? A David C. Setser.
Q He is dead now? A Yes sir.
Q When did he die? A A year ago the 22nd of August.
Q Did he apply to the Dawes Commission in 1896 for enrollment as a
citizen? A No sir; only for me and the baby.
Q He applied for you and the baby? A Yes sir.
Q He did not apply for himself? A Not that I know of.
Q Do you know he did not? A If he ever did, I never knew anything
about it, and I do not think he would unless I would know about it.
Q He had some relatives by the same name? A Yes sir.
Q David C.? A Yes sir.
Q And he lives up near Southwest City, Missouri? A Yes sir.

Martha Setser, being sworn and examined by Commissioner T. B.
Needles, testified as follows:

- Q What is your name? A Martha Setser.
Q Did you know David C. Setser? A Yes sir.
Q Do you know whether he applied to the Dawes Commission?
A Yes sir.
Q That is the husband of this woman here? A No sir; he is my
brother-in-law.
Q Did the husband of Sarah Setser ever apply to this Commission?
A No sir, not that I know of.
Q You do not know whether he did or not? A No sir, if he did,
I guess I would have heard of it.
Q But you never heard of it? A No sir.

Sarah A. Setser, recalled:

- Q You stated that he (your husband) applied for you and the child?
A Yes sir.
Q You said in your testimony that he applied to the Dawes Commission
for the enrollment of yourself and your child: Was that in 1896?
A No sir; it must have been 1897.

The undersigned, being sworn, states that as stenographer
to the Commission to the Five Civilized Tribes, he correctly recorded
the testimony and proceedings in this case, and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

(signed) E. R. Cravens.

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

(signed) G. R. Breakinridge,

COMMISSIONER.

(5)

(COPY)

EXECUTIVE DEPARTMENT,
CHEROKEE NATION.

TALLEQUAH, INDIAN TER. September 9th, 1895.

This is to certify that the following names appear on the census of Talleguah District, in this nation, and added thereto by the Committee of the National Council, as citizens of said district, according to the Act of the National Council, approved April 15th, 1893:

David G. Setzer, age 24 years,
Annah K. Setzer, " 7 years,
Jane A. Setzer, " 5 years,
Maud G. Setzer, " 3 years,
Ella M. Setzer, " 2 months.

Attest:

Seal of the Cherokee Nation.

(signed) John L. Adair

Executive Secretary

(REAL)

(END)

(6)

(COPY)

R 434

AAJ

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

In the matter of the application of Sarah A. Setser et al.,
for enrollment as Cherokee citizens.

It appears from an examination of the records of this Commission that the David C. Setser who made application to the Commission to the Five Civilized Tribes on the 4th day of September, 1896, for admission to citizenship in the Cherokee Nation and whose said application was denied, is not the David C. Setser, the husband of Sarah A. Setser.

The printed list of "North Carolina Cherokees" as well as the printed list of persons admitted and readmitted to citizenship by the Cherokee authorities, which list was prepared by the tribal authorities of the Cherokee Nation and is in the possession of this Commission, have been examined for the name of D. C. or David C. Setser, and it cannot be found thereon. It does not appear that D. C. Setser was ever admitted to citizenship by the Cherokee tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court on appeal therefrom.

It is ordered that copies of this statement be filed with the testimony in the above case.

(signed) C. R. Breckinridge,
Commissioner.

(MFK)

R-434

AAB

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

In the matter of the application of Sarah A. Setser for the enrollment of herself, and children as citizens of the Cherokee Nation.

D E C I S I O N.

It appears from the records in this case that on the first day of December, 1900, Sarah A. Setser appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie M. Setser as citizens by blood of the Cherokee Nation.

It appears from the evidence that the said Sarah A. Setser was married on the 4th day of September, 1886, to D. C. Setser, alleged to be a citizen by blood of the Cherokee Nation. She testifies that her husband started to come to this country "before the emigration give out", and got as far as Sweetwater, Tennessee, and stayed there until 1893. It does not appear when he reached the Cherokee Nation, but at the earliest not until 1893. It appears from the evidence, however, that the said D. C. Setser was never admitted to citizenship in the Cherokee Nation by the tribal authorities or by the Commission to the Five Civilized Tribes or by the United States Court on appeal. He is, however, identified on the Cherokee Tribal roll 1894. It further appears that the David C. Setser whose application for admission to citizenship in the Cherokee Nation was denied by the Commission to the Five Civilized Tribes, was not the husband of this applicant.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 25, 1898, (30 Stat. 493):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Under the facts in this case it is considered that the name of David C. Setser is on the roll of 1894 without authority of law, and that his wife, Sarah A. Setser, could acquire no rights not possessed by her husband, neither could her children above named acquire any rights of citizenship not possessed by either of their parents.

It is therefore the opinion of this Commission that the application for the enrollment of Sarah A. Setser, Annah M., Jane A., Mand L., Ella M., David F. and Lillie B. Setser as citizens of the Cherokee Nation should be denied, and it is so ordered.

(signed) Tom Dixby

(signed) T. B. Needles.

(signed) C. R. Breckinridge.

Dated at Muskogee, Indian Territory,
this the 26 day of April, 1902.

DEPARTMENT OF THE INTERIOR.
 Comiss on to the Five Civilized Tribes.
 Muskogee, Indian Territory, June 30th, 1902.

In the matter of the application of Sarah A. Setzer for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children Annah M. Setzer, John A. Setzer, Maud L. Setzer, Ella M. Setzer, David F. Setzer and Lillie M. Setzer, as citizens by blood of the Cherokee Nation.

Appearances:

Applicant appears in person.
 Cherokee Nation by W. W. Hastings.

On the 26th day of April, 1902, the Commission rendered a decision in the matter of the application of the above named persons in which their application to be enrolled as citizens of the Cherokee Nation was denied. On the same day the case was forwarded to the Secretary of the Interior for review and final decision. Under date of May 22nd, 1902, the record in this case, involving the application of Sarah A. Setzer for the enrollment of herself and children, was returned to the Commission in order that it might point out why the name of David C. Setzer, the husband of the applicant, and certain of his children appear on the 1894 Cherokee strip payment roll without authority of law, as found in the Commission's decision under date of April 26th, 1902; and for the further taking of testimony in said case, if necessary.

Supplemental to R-434.

On the 17th day of June, 1902, Sarah A. Setzer was notified by registered letter to appear before the Commission at its office in Muskogee, Indian Territory, on the 30th day of June, 1902, and submit for her testimony as regards her application for the enrollment of herself and children as citizens of the Cherokee Nation.

SARAH A. FREDERICK, being duly sworn, testified as follows:
 Examination by the Commission.

- Q What is your name? A Sarah A. Frederick.
 Q How old are you? A 34.
 Q What is your postoffice address? A Tahlequah.
 Q You appeared before the Commission at Tahlequah in December, 1900, and made application for the enrollment of yourself and children as citizens of the Cherokee Nation? A Yes sir.
 Q You were at that time the widow of David C. Setzer, were you?
 A Yes sir.
 Q You made application for the enrollment of yourself as a citizen by intermarriage? A Yes sir.
 Q And for the enrollment of your children as citizens by blood of the Cherokee Nation? A Yes sir.
 Q Since the date of your application you have remarried, have you?
 A Yes sir.
 Q What is the name of your present husband? A Adam Frederick.
 Q What is his citizenship? A White man.
 Q When were you married to him? A 28th day of November.
 Q Last November? A Yes sir.
 Q Who married you? A Mr. Sullivan.
 Q Is he a minister of the gospel? A Yes sir.
 Q Has your present husband ever been recognized in any manner as a citizen of the Cherokee Nation? A No sir. Why, I don't reckon he has. He has never been on any of the rolls. He has never applied.

- Q Where were you living at the time of your marriage to David E. Setzer? A Living in Tennessee.
- Q What part of Tennessee? A Loudon County.
- Q When were you married? A 1836.
- Q How long after your marriage was it before you came to the Cherokee Nation? A I don't know exactly. I think we came here either in 1892 or 1893. We came in 1892 to the nation.
- Q Where did you come from? A Come from Alabama.
- Q Had either you or your husband ever been in the Cherokee Nation prior to that time? A No sir.
- Q Did your husband, when he came to the Cherokee Nation, make application to the tribal authorities for admission to citizenship?
- A Yes sir; I guess he did.
- Q Do you know of your own knowledge whether he did make application?
- A Yes, he made application.
- Q Did he make application to the Council? A Yes sir.
- Q Did he live in the Cherokee Nation continuously from 1892 up until the time of his death? A Yes sir.

FRANCIS M. SETZER, being duly sworn, testified as follows:
Examination by the Commission.

- Q What is your name? A Francis M. Setzer.
- Q How old are you? A I am 41 years old; will be July 27th.
- Q What is your postoffice address? A Tahlequah.
- Q Are you the brother of D. C. Setzer, deceased? A Yes sir.
- Q You are the uncle of the children applied for in this case?
- A Yes sir.
- Q Where was your brother born? A My brother was born in Cherokee County, North Carolina.
- Q When did he come to the Cherokee Nation? A He came here in the spring of 1892 or 1893; I won't say which.
- Q When did you come? A About 12 years ago last January.
- Q Did you come prior to the arrival of your brother or subsequent?
- A I came before they did.
- Q How long before? A I came about 4 years before they did.
- Q Did you have the same father and mother? A Yes sir.
- Q Upon your arrival in the Cherokee Nation did you apply to the tribal authorities of this nation for admission to citizenship?
- A Yes sir.
- Q Did you apply to the Commission or Council? A Council.
- Q Were you admitted? A Yes sir.
- Q Do you know whether your brother applied to the Council of the Cherokee Nation? A Yes, Council.
- Q What action did the Council take? A The first Council didn't take any action at all.
- Q He was neither admitted nor denied? A No sir. In 1894 there was a committee appointed by the National Council to revise the rolls and to place all entitled thereon and take off those not subject to be thereon. In that committee they placed him on the roll.
- Q Is your mother a Cherokee? A Yes sir.
- Q Did she ever live in this country? A Yes sir; she is living here now.
- Q How old was David C. Setzer when he came? A He was two years older than I am. He would have been about 31 years old, I think.
- Q Is your mother now a recognized citizen of the Cherokee Nation?
- A Yes sir.
- Q When did she come to the nation? A She came here about the time I did.

- Q Prior to the arrival of your brother?
A Yes sir; she came here before my brother came here.
Q Was she admitted to citizenship? A Yes, she was admitted to citizenship by the court before she came here.
Q Have you any brothers or sisters?
A I have two other sisters.
Q Where do they live? A Over in Tahlequah District.
Q Are they citizens of the Cherokee Nation?
A They stand just as these here. Rogers' wife and Calwall's wife.
Q Never admitted to citizenship? A Just the same as these.
Q Did your brother exercise the right of suffrage?
A Yes sir.
Q Did he vote?
A Yes sir; voted at every election that was held.
Q Do these children or their father hold any property?
A Own their place.
Q After he came did he ever leave from the limits of the nation?
A No sir.
Q When did your brother die?
A My brother died two years ago last August.
Q Where was your brother living? A He living at Colagah.
Q Do you know whether he made application to the census enumerators for the enrollment of himself and children?
A Yes sir; he did.
Q Do you know whether he was enrolled?
A They wouldn't enroll him because he didn't have one of these certificates up there with him. There was no one there to recognize him.
Q Have you ever heard your brother's right to citizenship in the Cherokee Nation disputed? A Never disputed until this came up here.

There is offered in evidence a certificate signed by John L. Adair, executive secretary, dated at Tahlequah, Indian Territory, September 9th, 1896, and bearing the seal of the Cherokee Nation, in which he certifies that the following names, to-wit: David C. Setzer, Annah M. Setzer, John A. Setzer, Maud L. Setzer and Ella M. Setzer, appear upon the census roll, Tahlequah District, in the Cherokee Nation, and were added thereto by the committee of the National Council as citizens of said district according to an act of the National Council approved April 5th, 1893.

Examination by Mr. Hastings.

- Q You say your brother was given this certificate September 9th, 1896. Do you know whether he presented this after that time either to the census taker, Coowasee District?
A I think he did. I want say for certain.
Q Was that not, in fact, after the census of 1896?
A Yes sir.
Q While the census roll was being revised by the committee there?
A Yes sir; I think he did.
Q Your brother was never admitted by any act of the national council or by the court? A By a special act of the council authorizing the committee to revise the roll.

- Q Was there an act of the council admitting your brother like there was admitting you? A No sir.
- Q There was a general act of the council authorizing the census to be made? That is what you mean? A Yes sir, that is what I mean.
- Q No special act with reference to your brother?
- A No sir.
- Q Your brother was upon the roll of 1894? A Yes sir.
- Q That pay roll was never authenticated by the national council.
- A I don't know whether it was or not. I am not here to answer that question.

Examination by the Commission.

- Q Did your brother ever hold any official position in the Cherokee Nation? A No sir.

ADAM FREDERICK, being duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Adam Frederick.
- Q How old are you? A 52 years old -- 51.
- Q Are you the husband of the principal applicant in this case? Sarah A. Frederick, formerly Sarah A. Setzer?
- A Yes sir.
- Q When were you married? A 28th day of November.
- Q What is your citizenship? A I am a white man.
- Q Your wife is a white woman?
- A Well, she is part Cherokee.
- Q Well, she has never been recognized as a Cherokee, has she?
- A No sir.
- Q You have never been recognized as a citizen of the nation, have you?
- A No sir.

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) Jesse O. Carr.

Subscribed and sworn to be fore me this 13 day of July, 1906.

(SML)

(signed) F. G. Reuter,
Notary Public.

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

In the matter of the application of Sarah A. Setser for the enrollment of herself, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setser, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 1, 1900, Sarah A. Setser appeared before the Commission at Tahlequah, Indian Territory and made personal application for the enrollment of herself, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setser, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 19, 1900, and at Muskogee, Indian Territory, on January 31, 1902. On April 26, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Secretary of the Interior for approval. On May 22, 1902, the record in the matter of said application was returned to the Commission for further proceedings; and on June 30, 1902, further proceedings in the matter of said application were had at Muskogee, Indian Territory.

The evidence shows that, on September 4, 1886, the said Sarah A. Setser, a white woman, was married in the State of Tennessee to David C. Setser, alleged to have been a citizen by blood of the Cherokee Nation, and, in 1892 or 1893, she removed with his wife to the Cherokee Nation. The minor applicants herein are the issue of such marriage.

The evidence further shows that the said David C. Setser was born in North Carolina of parents who were not then citizens of the Cherokee Nation; and it appears that neither he nor his father were ever admitted to citizenship in the Cherokee Nation by the tribal authorities, by the Commission to the Five Civilized Tribes, or by the United States court on appeal. An examination of the records of the Cherokee Nation now in possession of the Commission shows that Martha Setser, mother of David C. Setser, was readmitted to citizenship in the Cherokee Nation on July 30, 1888, by the tribal authorities of said nation; but it appears from the evidence that said David C. Setser was then of full age.

It appears that David C. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser, and Ella M. Setser are identified upon the 1894 strip payment roll of the Cherokee Nation, respectively, as follows: David C. Setser, Anna M. Setser, Janie Setser, Maud Setser and Ella M. Setser, and that their names were added to said roll by the revising committee appointed under an Act of the National Council of said nation, approved April 15, 1893. The applicants, David F. Setser and Lillie E. Setser, are too young to appear upon any of the tribal rolls but are identified by birth affidavits on file with the Commission.

It further appears that David C. Setser died in August, 1898, and that, on November 28, 1901, the said Sarah A. Setser was remarried to one Adam Frederick, a non-citizen, who is her present husband.

Section 666 of the 1892 Compiled Laws of the Cherokee Nation provides as follows:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the death of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (in the case may be) having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this Act shall cease."

It is, therefore, the opinion of this Commission that the names of Sarah A. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser and Ella M. Setser are on said 1894 strip payment roll without authority of law; and that the application for the enrollment of Sarah A. Setser as a citizen by intermarriage of the Cherokee Nation and for the enrollment of Annah M. Setser, Jane A. Setser, Maud L. Setser, Ella M. Setser, David F. Setser, and Lillie B. Setser, as citizens by blood of the Cherokee Nation, should be denied under the provisions of section 31 of the act of Congress approved June 28, 1896 (30 Stat., 495), and it is so ordered.

COMMISSION ON TO THE FIVE CIVILIZED TRIBES.

(signed) Tom Bixby
Acting Chairman.

(signed) T. B. Hedges
Commissioner.

(signed) C. R. Brookings
Commissioner.

Muskogee, Indian Territory,

this Oct - 8 1902

(18)

Habel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she copied the record of testimony and proceedings had in this case, and that the foregoing is a true and correct reproduction of the original transcript.

Habel F. Maxwell

Subscribed and sworn to before me
this 15th day of February, 1904.

Simon R. Walding, Notary

(19)

(COPY)

Cherokee R-434

Muskogee, Indian Territory, April 26, 1902

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Sarah A. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser, Ella M. Setser, David F. Setser and Little E. Setser as citizens of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application for the enrollment of the said persons as citizens of the Cherokee Nation.

Very respectfully,

(Signed) T. B. Needles,

Commissioner in Charge.

1 Encl. No. R-434.

(1078)

(COPY)

Cherokee B-434

Muskogee, Indian Territory, April 26, 1902.

Mrs. Sarah A. Setser,
Tahlequah, Indian Territory.

Madam:

Enclosed herewith please find a copy of the Commission's decision rendered April 26, 1902, in the matter of your application for the enrollment of yourself and minor children Annah M. Setser, Jane A. Setser, Maude L. Setser, Ella M. Setser, David F. Setser, and Lillie E. Setser as citizens by blood of the Cherokee Nation.

The Commission has on this day forwarded a copy of its decision, together with a copy of the record of the proceedings had in the matter of your application, to the Secretary of the Interior for his consideration and final decision.

The Secretary's final action will be duly communicated to you as soon as the same is made known to this Commission.

Very respectfully,

(signed) T. B. Needles,
Commissioner in Charge.

Encl. B-52
Register.

(MFM)

(COPY)

Cherokee B-434

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,

Atty. for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith find copy of Commission's decision of date April 26, 1902, in the matter of the application of Sarah A. Gatsar for the enrollment of herself as a citizen of the Cherokee Nation.

Very respectfully,

(signed) T. B. Headlee,

Commissioner in Charge.

Encl. B-24

(MVK)

(COPY)

Refer in reply to the following:
Land. 25,920-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON,

May 10, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, a report made on April 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Sarah A. Setser, for the enrollment of herself and her children Anna M. Janie A., Maudie L., Miller M., David L., and Lillie E.

The Commission, on April 26, 1902, rejected the application because in the opinion of the commission the names of David C. Setser, and certain of his children, appeared on the 1894 roll without authority of law.

Mrs. Setser testifies that she was married to her husband in Tennessee where he lived a long time before the marriage, and that "he started to this country before the emigration give out and got as far as Sweet Water, Tennessee, and stayed there until 1893, I believe it was."

The office is not entirely satisfied that the names of David C. Setser and certain of his children appear on the Cherokee roll without authority of law, and recommends that the commission be requested to reexamine this case and determine and report to the Department why in its opinion it concludes that the names of David C. Setser and certain of his children appear upon the 1894 roll of the Cherokee Nation without authority of law.

Very respectfully,
Your obedient servant,
A. C. Tomner,
Acting Commissioner.

(W.C.V.)

P.

(1892)

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DEPARTMENT OF THE INTERIOR.

ITD 3056-1902
LRS

WASHINGTON,

May 22, 1902.

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

Gentlemen:

At the suggestion of the Acting Commissioner of Indian Affairs in his letter of May 10, 1902, copy enclosed, the record in the case involving the application of Sarah A. Betser for the enrollment of herself and six minor children as citizens of the Cherokee Nation is herewith returned in order that you may definitely point out wherein the evidence shows that the names of David C. Betser, husband of the principal applicant and certain of his children appear upon the 1894 census roll without authority of law, as you found in your decision rejecting the application, or if necessary that further evidence may be taken in the case.

Respectfully,

Thos Ryan

Acting Secretary

MD

2 inclosures.

(MFM)

(COPY)

Cher. R-434

Muskogee, Indian Territory, June 17, 1902.

Sarah A. Setser,
Tablequah, Indian Territory.

Dear Madam:

You are hereby directed to appear before the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory on the 30th day of June, 1902, and submit further testimony as regards your application for the enrollment of yourself and children, Annah M. Setser, Jane A. Setser, Maud L. Setser, Ella M. Setser, David F. Setser and Millie E. Setser, as citizens of the Cherokee Nation.

It will be necessary that you prove that your husband and children are not on the Cherokee Strip Payment Roll of 1894 by fraud, or without authority of law.

Yours truly,

Commissioner in Charge.

Register.

(MM)

(COPY)

Cher. R-434

Muskogee, Indian Territory, June 17, 1902.

William F. Rasmus,

Tablequah, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the record of the proceedings had in the matter of the application of Sarah A. Setser for the enrollment of herself and children as citizens of the Cherokee Nation, together with a copy of the Commission's decision rendered April 25, 1902, denying the application of Sarah A. Setser et al for enrollment as citizens of the Cherokee Nation.

You are hereby advised that under date of May 22, 1902, the record in the case involving said application was returned by the Secretary of the Interior to the Commission in order that the applicant might be given an opportunity to show that her children are not on the Strip Payment Roll of 1894 by fraud or without authority of law.

You are further advised that Mrs. Setser has this day been notified to appear before the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on June 30, 1902, for the purpose above indicated.

Very respectfully,

Commissioner in Charge

Encl. C-168

Register.

(1902)

(COPY)

Cherokee R 434

Muskogee, Indian Territory, October 8, 1902.

Sarah A. Setsy,

Tahlequah, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, of date October 8, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your six minor children, Annah M., Jane A., Maud E., Ella M., David F. and Lillie B. Setsy, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, William F. Rasmus, Tahlequah, Indian Territory, a copy of the record of proceedings had in your original application, and there has this day been forwarded to him a copy of your testimony of date June 30, 1902, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(signed) Tams Bixby

Acting Chairman.

Enc. C. No. 1
Register.

(MMS)

(COPY)

Cherokee R 434

Muskogee, Indian Territory, October 8, 1902.

William F. Rasmus,

Attorney for Sarah A. Setser et al.,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings of date June 30, 1902, in the matter of the application of Sarah A. Setser for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her six minor children, Annah M., Jane A., Mand L., Ella M., David F. and Lillie E. Setser, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision rejecting said application.

You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. C. No. 2
Registered.

(107X)

(COPY)

Cherokee R 434

Muskogee, Indian Territory, October 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, of date October 8, 1902, rejecting the application of Sarah A. Setser for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her six minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie M. Setser, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. C. No. 2

(MFM)

(COPY)

Muskogee, Indian Territory, October 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission has the honor to acknowledge receipt of Departmental letter, under date of May 22, 1902 (I.T.D. 3056 - 1902), remanding the record in the case involving the application of Sarah A. Setser for the enrollment of herself and six minor children as citizens of the Cherokee Nation, in order that the Commission "may definitely point out wherein the evidence shows that the names of David C. Setser, husband of the principal applicant, and certain of his children, appear on the 1894 Cherokee roll without authority of law, as you found in your decision rejecting the application or if necessary, that further evidence may be taken in the case."

It appears from the record in this case that the principal applicant, Sarah A. Setser, is a white woman, who claims citizenship in the Cherokee Nation by virtue of her marriage to David C. Setser, who it is alleged was a Cherokee by blood.

On June 30, 1902, further proceedings were had in the case, from which it appears that since the death of Setser she has married a white man having no rights of Cherokee citizenship and has thus forfeited her rights to enrollment, if she ever possessed any, under section 666 of the Laws of the Cherokee Nation (edition of 1892) which provides:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be) having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, not deemed necessary to further discuss the status of Sarah A. Setser.

The other applicants herein are minors, being the issue of the marriage between David C. Setser and Sarah A. Setser. It does not appear that either they or their parents were ever admitted to citizenship in the Cherokee Nation by the tribal authorities of said nation, the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896, or by the United States Court in Indian Territory on appeal.

Since the mother of the children applied for is a white woman, they must acquire their rights to enrollment, if they acquired any at all, through their father, hence, the material question to be considered is as to the citizenship of David C. Setser.

As stated in the Commission's decision, he was born of parents who were not recognized citizens of the Cherokee Nation at his birth.

It does not appear that either the applicant or his parents are identified on the Cherokee roll of 1880, or on the list of North Carolina Cherokees who removed to the Cherokee Nation under the provisions of an act of the National Council, approved December 3, 1860. His mother, however, was admitted to citizenship in said Nation by the tribal authorities in 1888, but David C. Setser was then of full age,

and her admission conferred no rights upon him, as will be seen by reference to section 21 of the act of Congress approved June 28, 1898;

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes, is authorized and directed to take the roll of Cherokee citizens of 1892 eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who heretofore have made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have the lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The evidence in this case shows that David C. Setser was born about the year 1861 in the State of Tennessee, and never resided in the Cherokee Nation prior to 1892 or 1893. He is identified on only the Cherokee Strip Payment Roll of 1894.

Under the state of facts existing at the time of his removal to the Cherokee nation, it is apparent that he could only acquire citizenship by being regularly admitted by the tribal authorities, by the Commission to the Five Civilized Tribes, under the act of June 10, 1896, or by the United States Court in Indian Territory on appeal.

No such admission is shown and since David C. Setser never acquired rights of citizenship in the Cherokee nation, his children, claiming through him, could acquire none, and the Commission is of the opinion that his name and the names of such of his children as appear on said roll of 1894 are there without authority of law.

Secretary 4.

This opinion seems to be justified by the decision of the Commission in the case of William H. Payne et al., wherein the applicants were denied enrollment as citizens of the Cherokee Nation on May 20, 1902, and the decision approved by the Department September 10, 1902.

The Department in its letter of that date, (I.T.D. 5241-1902), among other things states:

"Payne's name appears upon the census roll of 1896 and the strip payment roll of 1894.

It appears, as stated in your decision, that Payne was born in Kansas; that his parents at one time resided in the Cherokee Nation but removed to Kansas in 1878, and resided there until 1893 at which time they removed to the Cherokee Nation; that the father of the applicant, William P. Payne, applied for readmission in the Cherokee Nation but the record does not show that he was ever readmitted, neither does the name of the applicant appear on such list of persons admitted and readmitted to citizenship in said nation."

After quoting section 21 of the act of Congress, approved June 28, 1898, the letter continues:

"Referring to this law you held that Payne is not entitled to enrollment, and that his name is on the roll of 1896 without authority of law; that his child, Flossie M. Payne, could acquire no rights not possessed by her parent.

The examination was made December 6, 1900, and in your field decision of that date you rejected the application for the reasons stated, of which action doubtless Payne was informed. A statement is attached to the case, made by Commissioner Brockenridge, that 'An examination of the printed list of persons admitted and readmitted to citizenship in the Cherokee Nation, which list was prepared by the Cherokee tribal authorities, and is now in the possession of this Commission, fails to disclose either the name of William P. Payne, Mary A. Payne or William H. Payne.

It does not appear that either of the parties here named were admitted to citizenship by the Commission to the Five Civilized Tribes, or by the United States Court on appeal therefrom."

The letter then concludes as follows:

"There can be no question that in 1893 neither Payne nor his father were recognized citizens of the Cherokee Nation and you properly conclude under the circumstances in this case,

Secretary, -5

especially in view of the printed list referred to, that in the absence of evidence of admission to citizenship by the Cherokee Citizenship Commission or the Council of the Nation or some other competent authority, although the claimant's name is on the census roll of 1896, that he is not entitled to enrollment; that his name must have been placed on said roll without authority of law.

Entertaining these views, your decision is affirmed."

Additional testimony having been taken and a new decision prepared, the Commission respectfully recommends that the decision, which is transmitted herewith, be affirmed for the reasons stated therein.

Respectfully,

(signed) _____
Tans Bixby
Acting Chairman.

(signed) _____
T. E. Hodges
Commissioner.

(signed) _____
G. R. Brewster
Commissioner.

Through the

Commissioner of Indian Affairs.

1 Enclosure.

(MFM)

(COPY)

Refer in reply to
the following
Land
60368-1902
68277-1902

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, November 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

My 10 last, the office forwarded the record relative to the application of Sarah A. Setser for the enrollment of herself as a citizen of the Cherokee nation by intermarriage, and for the enrollment of her minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E., as citizens by blood of that nation.

The Commission, in its decision of April 26, 1902, rejected the application, holding that the names of David C. Setser and certain of his children appeared on the 1894 Cherokee roll without authority of law. The office stated that it was not entirely satisfied that these names appeared on said roll without authority of law, and recommended that the Commission be requested to reexamine the case and report why in its opinion it concluded that said names appear on said roll without authority of law.

May 22, 1902, (I.T.D. 5056) the Department concurred in this recommendation and returned the record in the case to the Commission.

The office is now in receipt of a report from the Commission dated October 8, 1902, returning the record in said case together with additional testimony taken June 30 last; also of Department letter of November 4, 1902, (I.T.D. 5056) transmitting a brief and argument filed by William F. Rasmus as attorney for the applicants.

Sarah A. Setser, the widow of David C. Setser, having married since the original testimony in the case was taken, a white man, not entitled to any rights in the Cherokee nation, her attorney withdraws her application for enrollment as a citizen of said nation by inter-marriage, and therefore her application will not be considered by this office so far as it relates to the enrollment of herself.

Mrs. Setser testifies that she was married to her husband in Tennessee, where he lived for a considerable time prior to his marriage and that they started "to this country before the emigration gave out and got as far as Sweetwater, Tennessee, and stayed there until 1893, I believe it was."

On April 15, 1893, the Principal Chief of the Cherokee Nation approved an act of the National Council providing for the distribution "of the proceeds arising from the" and sale of "their lands west of the ninety-sixth" meridian. This act authorized the Principal Chief to appoint a certain number of persons in each district as census takers provided "that before the said census rolls shall be completed and accepted they shall be passed upon by the National Council" in the manner prescribed in the act. The act declared that there should be appointed nine special committees composed of two members from the Senate and all of the members of the lower house from each district, whose duty it should be to examine the census rolls "and pass upon each and every name appearing" thereon. It authorized these committees to erase the name of any person appearing on said roll whom "they may know to be or have good and sufficient reason to believe to be a non-citizen and not entitled to appear upon such census roll," and provides that the names so erased "shall be stricken out with red ink

and the word "non-citizen" entered in red ink in the margin of remarks opposite the name of such person, and such person so declared to be a non-citizen" shall be placed upon the proper roll.

Among the papers is a certificate dated September 9, 1896, signed by John L. Adair, executive secretary of the Cherokee Nation, in which he certifies that the following names appear on the census roll of Tahlequah District, and that they were added thereto by the Committee of the National Council of the Cherokee Nation as citizens of said district, according to the act of the National Council approved April 15, 1893:

David C. Setzer,	aged 34 years,
Annah M. Setzer,	" 7 years,
Jane A. Setzer,	" 5 years,
Maud C. Setzer,	" 3 years,
Ella M. Setzer,	" 2 months.

Although the names are spelled in this certificate with a D and with an S in the record, there seems to be no question that the four minor children first mentioned and the persons just above mentioned are identical. David F. and Lillie B. Setzer were born subsequent to the date of said certificate.

Martha Setzer, mother of David C. Setzer, the record shows, was readmitted to citizenship in the Cherokee Nation July 30, 1888, by the tribal authorities of the nation, but the record does not show that David C. Setzer or any of his four eldest children were admitted to citizenship except by the National Council in accordance with the act of April 15, 1893.

The Commission, in its decision of October 6, 1902, held that these minor children are not entitled to enrollment and that the names

Secretary, -4

of Sarah A. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser and Ella M. Setser appeared on the 1894 strip payment roll without authority of law, and claimed the application of Sarah A. Setser as a citizen by intermarriage and all the minor children, including David F. and Lillie E., as citizens by blood.

As hereinbefore stated it is unnecessary for this office to consider the case so far as it relates to Sarah A. Setser, her application having been withdrawn.

The Commission, in its report, invites attention to Department letter of May 10, 1902, (I.T.D. 5241) in the case of William H. Payne et al.

The office is unable to agree with the Commission's decision. Section 27 of the Cherokee Agreement declares, with certain exceptions -- and these applicants do not come within the exceptions -- that the rolls shall be made in strict compliance with the provisions of section 21 of the Curtis Act. That section confirms the 1890 roll of citizens, not including freedmen, and directs the Commission to enroll all persons now living whose names appear thereon and their descendants born since the date the roll was made, and directs that they shall investigate the right of all persons whose names are found on any other roll and omitted such "as may have been placed thereon by fraud or without authority of law."

The Commission gives no specific reason as to why it reaches the conclusion that part of these names are on the 1894 roll without authority of law, but seems to rely upon the Department's holding in the Payne case in support of its position. It appears to the office

Secretary, -5

that David C. Setser and his four oldest children were duly recognized as citizens of the Cherokee Nation and enrolled as such by the National Council of that nation. This being true, the office cannot understand how the Commission can reach the conclusion that their names were placed on said roll without authority of law. They, with others, were enrolled by persons appointed under the provisions of the act of April 16, 1893. The roll was submitted to and passed upon by the committees of the National Council, and it would seem therefore, that the action of the National Council in enrolling these parties was legal and within its authority.

There it is the opinion of this office that Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setser are entitled to enrollment as citizens by blood of the Cherokee Nation, and it respectfully recommends that the decision of the Commission be not approved, but that the Commission be directed to enroll said applicants.

Very respectfully,

W. A. Jones,

Commissioner

GAV
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incls.

(MFM)

(COPY)

D.C. 24046

J.P.

DEPARTMENT OF THE INTERIOR.

PER

I.T.D. 7381,6684-1902.

Washington, December 5, 1902.

L.R.S.

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

Gentlemen:

May 22, 1902, the Department remanded the case involving the application of Sarah A. Setser for the enrollment of herself and her six minor children, as citizens of the Cherokee Nation.

On October 8, 1902, you reported that further proceedings were had in the case June 30, 1902.

It appears that Sarah A. Setser is a white woman; that she claimed citizenship in the Cherokee Nation by virtue of her marriage to David C. Setser, an alleged Cherokee by blood; that in November, 1902, Setser having died in 1899, she married a white man having no rights of Cherokee citizenship. She has therefore, under section 666 of the Compiled Laws of the Cherokee Nation, lost her right of enrollment, if she ever possessed any. The other applicants, Annah M. Setser, Jane A., Maud L., Ella M., David F., and Lillie E. Setser, are the children of said David C. Setser and Sarah A. Setser. You found in your decision of October 8, 1902, that in 1884 Sarah A. Setser was married in Tennessee to David C. Setser, and in 1892 or 1893 they removed to the Cherokee Nation; that David C. Setser was born in North Carolina, of parents who were not then citizens of the Cherokee Nation; that neither he nor his father were ever admitted to citizenship in the said nation by the tribal authorities, by your Commission or by the United States court on appeal; that Martha Setser, mother of said David C. Setser,

Commis on, -2

was readmitted to citizenship in the Cherokee Nation on July 30, 1888, by the tribal authorities of said nation, but it appears from the evidence that said David C. Setser was then of full age. It appears that David C. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser, and Ella M. Setser are identified on the 1894 strip payment roll of the Cherokee Nation respectively as follows: David C. Setser, Anna M. Setser, Janie Setser, Maud Setser and Ella M. Setser, and that their names were added to said roll by the revising committee appointed under a act of the National Council of said Nation, approved April 15, 1893; that the applicants, David F. Setser and Lillie E. Setser, are too young to appear upon any of the tribal rolls, but are identified by birth affidavits on file with your Commis on.

You rejected the applications, holding that the names of Sarah A. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser and Ella M. Setser are on said 1894 strip payment roll without authority of law, and that the application for the enrollment of Sarah A. Setser as a citizen by intermarriage, and for the enrollment of the other applicants as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section 21 of the act of June 28, 1898 (30 Stat., 485).

Reference is made in your communication of October 8, 1902, to that portion of the act of June 28, 1898 which provides

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll immediately all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have ~~not~~ ^{not} been permanent settlement in the Cherokee Nation whose names, by order of

their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried ~~persons~~ white persons as may be entitled to citizenship under Cherokee laws."

You state that under the state of facts existing at the time of Setser's removal to the Cherokee Nation, it is apparent that he could only acquire citizenship by being regularly admitted by the tribal authorities, by your Commission under act of June 10, 1896, or by the United States court in the Indian Territory; that no such admission is shown, and since David C. Setser never acquired rights of citizenship in the Cherokee Nation, his children, claiming through him, could acquire none, and you are of the opinion that his name and the names of such of his children as appear on said roll of 1894, are there without authority of law; that your opinion seems to be justified by the decision of the Department in the case of William H. Payne, et al., of September 10, 1902, from which you quote.

Reporting in the matter November 29, 1902, the Commissioner of Indian Affairs recommends that your decision be not concurred in. He states that on April 15, 1893, the Principal Chief of the Cherokee Nation approved an act of the National Council of the Nation, providing for the distribution "of the proceeds arising from the " sale of "their lands west of the 96th " meridian, known as "strip land;" (a copy of the Cherokee act is found in the record) that this act authorized the Principal Chief to appoint ^a certain number of persons in each district, as census takers, and provided "that before the said census rolls shall be completed and accepted they shall be passed upon by the National Council," in the manner prescribed in the act; that the

not declared that there should be appointed nine special committees composed of two members from the Senate and all of the members of the lower house from each district, whose duty it should be to examine the census rolls and pass upon each and every name appearing thereon; that among the papers is found a certificate dated September 9, 1896, signed by John L. Adair, executive secretary of the Cherokee Nation, in which he certified that the following names appear upon the census roll of Tahlequah District, and that they were added thereto by the committee of the National Council of the Cherokee Nation, as citizens of said district, according to the act of the National Council of April 15, 1893:

David C. Setzer, aged 34 years,
Annah M. Setzer, " 7 years,
Jane A. Setzer, " 5 years,
Maud C. Setzer, " 3 years,
Ella M. Setzer, " 2 months.

He states that you gave no specific reason as to why you reached the conclusion that these names were on the 1894 roll without authority of law, but seemed to rely upon the Department's holding in the Payne case; that it appears to him that David C. Setzer and his four oldest children were duly recognized as citizens of the Cherokee Nation "and enrolled as such by the National Council of that nation," in accordance with the Cherokee Act of April 15, 1893; that he cannot understand how you reach the conclusion that their names were placed on said roll without authority of law; that this roll was submitted to and passed upon by the committee of the National Council and it would seem therefore, that the action of "the National Council in enrolling these parties was legal and within its authority."

The Department concurs in your view of the matter.

It appears in a statement made by Commissioner Breckinridge January 30, 1902, that the printed list of "North Carolina Cherokees" as well as the printed list of persons admitted and readmitted to citizenship by the Cherokee authorities, which list was prepared by the tribal authorities of the Cherokee Nation and is in the possession of your Commission, have been examined for the name of David C. or D. C. Setser, and that it cannot be found thereon.

At the time the names of the persons appearing on the census roll of 1894 were placed thereon by the census takers provided for by the Cherokee law of 1893, there was no Commission or tribunal of the Cherokee Nation authorized to pass upon citizenship cases. All persons admitted to citizenship in said nation at that time were admitted by acts of the Cherokee Council. In placing the names of David C. Setser and certain of these applicants on the roll, the census taker acted without jurisdiction. The act of April 15, 1893, did not pretend to be for any other purpose than for making a roll of legally recognized citizens, and though it stated that the census rolls therein provided for

"After they have been fully examined and the necessary corrections shall have been made ~~made~~ as hereinbefore provided, shall be signed in approval by the respective committees and accepted by the National Council and shall be deemed and taken as the authenticated census rolls of the Cherokee nation."

no action by the census taker or the respective committees, in connection with such roll, could make a citizen of any one placed on such roll without authority of law. It is asserted by the attorney for

the Cherokee nation, in the case of Austin Hicks et al., (D-1897)

Commission, -8

that the National Council of the Nation refused to authenticate the 1894 pay roll; that in fact, the roll was repudiated; that your Commission has taken occasion numerous times to comment upon the unreliability of this roll. The Department concurs in your opinion that the names of Anna F. Setzer, Janie Setzer, Maud Setzer and Ella M. Setzer were placed on the 1894 strip payment roll without such authority. Your decision is therefore hereby affirmed. A copy of the Commissioner's letter is inclosed.

Argument by the attorney for the parties has been considered.

In any doubtful case hereafter arising, involving rights claimed under said census roll of 1894, it is requested that you inform the Department whether the Cherokee counsel refuse to authenticate it or repudiated it as alleged.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

(MPM)

(COPY)

Cherokee R 434

Muskogee, Indian Territory, December 20, 1902.

Sarah A. Setser,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated October 8, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your six minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setser, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 5, 1902.

Respectfully,

Tans Bixby

Acting Chairman.

(1071)

(COPY)

Cherokee R 434

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 8, 1902, rejecting the application of Sarah A. Betser for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her six minor children, Annah M., Jane A., Mand L., Ella M., David F. and Lillie E. Betser, as citizens of the Cherokee Nation by blood, was affirmed by the Secretary of the Interior on December 5, 1902.

Respectfully,

Tommy Dixby

Acting Chairman.

(107)

D.C. 2403-1903

(COPY)

DEPARTMENT OF THE INTERIOR.

J.P.

WASHINGTON.

FHM

I.T.D. 2657-1903
7381-1902

March 23, 1903.

LRS

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

Gentlemen:

March 12, 1903, the attorneys for Sarah A. Setser et al., requested that the case involving her application et al., for enrollment as citizens of the Cherokee Nation be reopened and reviewed, and, pending a final decision, that you be directed to withhold from allotment the lands embracing the improvements of the applicant, as, it was alleged, some of the points of law involved in the case of Setser et al., have "we are informed, been referred to the United States Court of Claims for an opinion", and other points are involved in the case of Joseph D. Yeargain et al.

The Assistant Attorney General, on March 16, 1903, rendered an opinion in the Yeargain case, approved by the Department. The Department does not find anything in such an opinion bearing materially upon the Setser case; nor is it understood that the matter submitted to the Court of Claims affects such applicant. It is therefore not deemed advisable to reopen the case, and the application is accordingly refused.

Respectfully,

Thos Ryan

Acting Secretary.

(122)

(COPY)

Cherokee B-434

Muskogee, Indian Territory, April 4, 1903.

Sarah A. Setser,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen your application for the enrollment of yourself and children as citizens of the Cherokee Nation was denied by the Department on March 23, 1903.

Respectfully,

Chairman.

GRS

(111)

(COPY)

Cherokee R-434

Muskogee, Indian Territory, April 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the application of Sarah A. Betser for the enrollment of herself and children as citizens of the Cherokee Nation was denied by the Department on March 23, 1903.

Respectfully,

Chairman.

GRS

(MFM)

Secretary, -2

April 15, 1893, David F. and Lillie F. Setser were born subsequent to the date the names of the other parties to the application were placed upon the roll mentioned. Martha Setser, the mother of David C. Setser, was readmitted to citizenship in the Cherokee Nation July 30, 1888. The record does not show that David C. Setser or any of his four eldest children were admitted to citizenship except by the National Council in accordance with the act of April 15, 1893.

The office report of November 29, 1902, the opinion was expressed that these minor applicants were entitled to enrollment. The names of the four on the census roll of the Cherokee Nation were placed there by virtue of the act of April 15, 1893. The name of their father David C. Setser, deceased, also appears on this roll.

Under the Department's holding in the Yeargain and Martha Hill cases, it seems to the office that the motion for review and rehearing should be allowed.

Very respectfully,

W. A. Jones,

Commissioner.

(S.A.W.) P.

(MFM)

(COPY)

In reply refer to the following:
Land. 72042-1902
76405-1903

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

December 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 23, 1903 -- I.T.D. 7343 and 6684 -- sustaining the decision of the Commission to the Five Civilized Tribes, adverse to the applicant, in the matter of the application of Sarah A. Setser et al., for enrollment as citizens of the Cherokee Nation, there is enclosed herewith a communication, dated November 23, 1903, from Kimball & White, of this city, filing a petition for review and rehearing on behalf of all the applicants to this case, except Sarah A. Setser, which, they state, is not asked for at this time.

Sarah A. Setser applied for the enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her minor children, Annah M., Jane A., Maude L., Ella M., David F. and Lillie F. as citizens by blood.

April 28, 1903, the Commission rejected these applicants holding that the names of David G. Setser and certain of his minor children appear on the 1894 Cherokee roll without authority of law.

The record in this case shows that David G., Annah M., Jane A., Maude L. and Ella M. Setser are identified by the census roll of the Tahlequah District and that their names were added thereto by a committee of the national Council in accordance with the act approved

(COPY)

JP FMS LRS

D.C.No. 1513
I.T.D. 8480-1903

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

January 8, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to Departmental decisions of December 5, 1902 and March 23, 1903, in the case involving the application of Sarah A. Setser for the enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her six minor children, Annah M., Jane A., Maud L., Alice M., David F. and Lillie E. Setser, as citizens by blood of said Nation, you are advised that with the Commissioner of Indian Affairs' letter of December 5, 1903, a motion for review by the applicants was received.

It appears that in 1866 Sarah A. Setser was married in Tennessee to David C. Setser, and that in 1893 they moved to the Cherokee Nation; that David C. Setser was born in North Carolina of parents who were not citizens of the Cherokee Nation; that his mother was however, readmitted to citizenship in the Cherokee Nation in 1888, but at that time David C. Setser was of age. He died in 1899. His name and that of said children except David F. and Lillie E. Setser, are found on the 1894 strip payment roll. David F. and Lillie E. Setser are too young to appear upon any tribal rolls.

In view of the decision of the Department of November 12, 1903, in the case of Guss Caldwell, which followed the decision of the Department of June 10, 1903, prepared in the office of the Assistant Attorney General in the Martha Hill case, said decisions of December 5, 1902, and March 23, 1903, are rescinded, and your decision, adverse to the applicants, is hereby reversed except as to Sarah A. Setser, who claims by intermarriage. As

Commission, -8

be her, a decision will not be rendered at this time in view of the submission to the Court of Claims on February 24, 1903, of the question involving the rights of intermarried persons in the Cherokee Nation.

A copy of the Commission's letter of December 5, 1903, in which he recommends that the motion under consideration be granted, is inclosed.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

1 inclosure

(RM)

(COPY)

Cherokee N-434

Tahlequah, Indian Territory, January 21, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on January 8, the Secretary of the Interior rescinded his decision of December 5, 1902, and March 23, 1903, in the matter of the application of Sarah Setser for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and her minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setser, as citizens by blood of the Cherokee Nation, and ordered her children enrolled as citizens of the Cherokee Nation.

No decision was rendered in the matter of the application of Sarah A. Setser, for enrollment as a citizen by intermarriage, in view of the submission to the Court of Claims on February 24, 1903, of the question involving the rights to enrollment of intermarried persons in the Cherokee Nation.

Respectfully,

XP

(MPK)

(COPY)

Cherokee R-434

Tahlequah, Indian Territory, January 21, 1904.

Sarah A. Setser,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that on January 8, the Secretary of the Interior rescinded his decision of December 5, 1902, and March 23, 1903, in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, and your minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setser, as citizens by blood of the Cherokee Nation, and ordered your children enrolled as citizens of the Cherokee Nation.

No decision was rendered in the matter of your application for enrollment as a citizen by intermarriage in view of the submission to the Court of Claims on February 24, 1903, of the question involving the rights to enrollment of intermarried persons in the Cherokee Nation.

Respectfully,

RP

(MFM)

Cher 10369

Hester Welch

Trans. from D1006

Cher 10369

Handwritten scribbles and marks at the top left of the page.

APPROVED FOR THE COMMISSIONER OF THE IMMIGRATION
JAN 10 1901
H. J. E. D.

Handwritten scribbles and marks in the upper middle section.

... of marriage, described in the testimony of ... Hattie Moten in the month of February, 1893, and ... certificate of Admission for ... described in the testimony of said marriage, Susan ... of age, but makes no ... examination of the records of this Commission it is found that on page 403, record ... case No. 2330, Thomas J. Welch, his father, Mary F. Welch his step-mother and others applied for citizenship and that they were denied. The records in the office of the Commission at this time are not complete sufficient to disclose whether the applicant was included in the petition of his father and step-mother in said case or not, and further, the certificate of Admission that he presents as his wife's does not set forth the story to the Commission at this time; further, he presents no proof as to the birth of his two children, and further, my judgment as to the enrollment of Thomas J. Welch as an unmarried citizen and his wife, Hester, and her two children as citizens by blood will be suspended.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I. T., DECEMBER 17th, 1900.

In the matter of the application of Thomas J. Welch, Jr., for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Welch being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Thomas J. Welch, Jr.
Q How old are you? A I am 23 the 12th day of March.
Q What is your post office? A Moody.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A Adopted.
Q Who do you want to enroll? A Myself and family.
Q What is the name of your wife? A Hester.
Q Is she a citizen by blood? A Yes, sir.
Q What was her name before you married her? A Morten.
Q How old is she? A She is 20.
Q What is her father's name? A Jack
Q Is he living? A Yes, sir.
Q What is her mother's name? A I do not know her mother's name.
Q Is she living? A No, sir, she is dead.
Q What is the name of your children? A Susie.
Q Susan is not it? A Yes, sir.
Q How old is Susan? A Three years old.
Q What is the name of the next child? A Jesse.
Q How old is Jesse? A Two years old.
Q Have you got any proof of birth as to these children? A No, sir.
Q You say you are a Cherokee citizen by blood? A I am adopted.
Q When were you married? A I was married along in '95.
Q Have you any certificate of marriage? A Yes, sir.

Com'r:--Applicant presents a marriage license duly authenticated and certificate of marriage certifying that on the 21st day of February, 1895, he was married to one Hettie Moten, whom he avers to be a Cherokee citizen by blood.

- Q What was your father's name? A T. J.
Q What is your mother's name? A My mother is dead.
Q Your step-mother was Mary? A Yes, sir.
BY W. W. HASTINGS, Cherokee Representative:
Q Your father applied for you and Mary Welch and the rest of the family to the Dawes Commission in 1896, did not he? A I do not know whether he did or not.
Q What three children did your father have? A Jessie and Jessie.
Q In 1896 what three children were living with him? A There ain't but the two living with him.
Q Don't you know that your name was in his application? A No, sir, I don't.
Q Didn't he never tell you so? A No, sir.
Q Didn't you never hear him talk about it? A I never heard him say my name was in it.

1896 Roll; page 1292, #307, Thomas Welch, Tahlequah. (With this note on the record: "Should be Thomas J. Welch.")

1896 Roll; page 1213, #2970, Hettie Moten, Tahlequah.

Com'r:--Applicant also presents a certificate issued from the Executive Office, Tahlequah, signed by B. W. Alberty, Asst. Executive Secretary, under the seal of the Cherokee Nation, certifying that the name of Hester Ann Morten is to be found on the Act of the Council approved December 31, 1891, in which \$12.70 was appropriated for the party named

which Act contains the following provision:
"Be it further enacted that the names of all persons appearing on the perceptia rolls of this Act shall be placed on the Authority

Thomas J. Welch, Jr.--2.

ated roll of 1830 by the Principal Chief."

Q The marriage license that you present now certify that you were married to one Hettie Moton; is that the Hester Morton, whom you aver you married? A Yes, sir.

Q Is the Hester Ann Morton the identical person whom you claim to be your wife and whom you married February, 1895? A Yes, sir.

Q Is your father's name Thomas J. Welch? A Yes, sir.

Q Mary P. your step-mother? A Yes, sir.

Com'r Needles:--The name of Thomas J. Welch is found upon the census roll of 1896 and he present pro of of marriage, described in the testimony certifying that he married one Hettie Moton in the month of February, 1895, and he presents a certificate of Admission as to the Hettie Moton, more particularly described in the testimony. He avers he has two children by said marriage, Susan, three years of age, and Jesse, two years of age, but makes no satisfactory proof of their births. Upon examination of the records of this Commission it is found that on page 408, record B., case No. 5363, Thomas J. Welch, his father, Mary P. Welch, his step-mother and others applied for citizenship and that they were denied. The records in the hands of the Commission at this time are not complete sufficient to decide as to whether the applicant was included in the petition of his father and step-mother in said case or not; and further, the certificate of Admission that he presents as to his wife is not satisfactory to the Commission at this time; further, he presents no proof as to the birth of his two children, consequently final judgment as to the enrollment of Thomas J. Welch as an intermarried citizen and his wife, Hester, and her two children, as citizens by blood, will be suspended and their names will be placed upon a doubtful card, awaiting first, satisfactory proof as to whether or not the said Thomas J. Welch applied to the Dawes Commission in 1896 for enrollment; secondly, as to whether the proof as to the Admission of his wife, Hester, is sufficient; and third, as to the proof of birth of his two children:

---ooo00o0o---

J. O. Rossan, being first duly sworn, states that as stenographer to the Commission the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossan

Subscribed and sworn to before me this 10th day of January, 1901.

D. D. S.

Commissioner

CHEROKEES BY BLOOD AND ADOPTION.

Date Dec 17 1900 1900.

Name (23) Thomas J. Welch Jr. Moody Ind. Ty.

District Tahlequah Year 1896 Page 1292 No. 307

Citizen by blood No Mother's citizenship _____

Intermarried citizen Yes D O U B T F U L

Married under what law _____ Date of marriage _____

License (20) _____ Certificate _____

Wife's name Hester Welch

District Tahlequah Year 1896 Page 1213 No. 2270

Citizen by blood Yes Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Name	Dist.	Year	Page	No.	Age
3 Susan Welch	3
4 Jesse "
.....
.....
.....
.....
.....
.....
.....
.....
.....

1 on 1896 roll as Thomas Welch
 2 " " " " Hattie Moton
 3 and 4 Birth Affidavits required

Supl. - Thomas J. Welch

COMMISSION TO RE-EVALUATE NATURALIZATION CASES
DEPARTMENT OF THE INTERIOR

WA 11 1901

FILED

[Handwritten scribbles]

WALKER

COMMISSION WITH THE following being duly sworn and examined, testified as follows:
EXAMINATION BY COMMISSIONER:

- Q What is your name? A George W. Whittington.
- Q What is your age? A 40.
- Q What is your post office? A Oaks.

EXAMINATION BY M. O. GHEENLEY, Attorney for Applicant:

- Q Are you acquainted with Foster Ann Morton? A Yes, sir.
- Q What was her maiden name? A Her maiden name was Foster Ann Morton.
- Q Who was her father? A John F. Morton.
- Q What relation was he to this old lady--Mrs. Whittington? A He is her son.
- Q Are you related to them? A Yes, sir.
- Q What is it? A He and Morton is Brothers.
- Q Who is the mother? A Cynthia.
- Q Do you know anything about their citizenship? A No, sir, I do not know anything about it.
- Q Whether they are citizens or not? A They are, some Cherokee, but whether they were readmitted or not I do not know.

15444-O. Rosson, being first duly sworn, states that as shown

SUPPLEMENTAL TESTIMONY.

D 1006.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Thomas J. Welch, Jr., for enrollment as a citizen of the Cherokee
Nation:

CYNTHIA WHITTINGTON being sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Cynthia Whittington.

Q What is your post office? A Oaks, I.T.

Q What is your age? A I am 78.

Q Do you know Thomas J. Welch? A Well I have not known him at
all but very little, I have heard of him; I never got acquainted
with him.

Q Until when? A This summer.

Q Do you know his wife, Hester? A Yes, sir, I know her to be my
grand-child; I was at her birth and raised her.

EXAMINATION BY M. O. BHOORLEY, Attorney for Applicant:

Q What was her father's name? A Joel J. Morton.

Q Was he a Cherokee citizen? A Yes, sir, he was always counted
that.

Q Are you? A I am; I have been put on the roll here as a Cher-
okee.

CROSS-EXAMINATION BY W. W. HASTINGS, Cherokee Representative:

Q What was Hester Welch nee Morton's mother's name? A Cindy Helms.

Q Was she a white woman or Cherokee? A White woman.

Q Was she and Joel Morton ever married? A Yes, sir.

Q Where? A In Missouri.

Q Were you present at their marriage? A No, sir, I was not; they
came home the next day.

Q You were living in Missouri at the time? A Yes, sir.

Q Where was Hester born? A She was born in Missouri.

Q How old was she when she came to this country? A No, I am
mistaken, she was born in Arkansas.

Q In what County? A Wright.

Q How old was Hester when she came to this country? A She has
been here right on the line, I raised her here in the Nation.

Q About what time did she come to the Nation; about how old was
she? A About 2 or 3 or 4 years old.

Q Is her mother alive? A No, sir.

Q How long did she live after this child's birth? A About two
years as well as I recollect.

Q Did she ever remove to the Cherokee Nation? A No, sir.

Q How long after her mother's death until you took her? A I took
her when she first died; they fetched her to me and I raised her.

Q What became of her father? A He is here in the Nation.

Q When did he come to the Nation? A I do not recollect, he had
been here a considerable time.

Q About how many years, Mrs. Whittington? A About ten years.

Q How was he recognized as a citizen of the Cherokee Nation? A I iden-
tified him to be a Cherokee and put it in the record.

Q And the Council never admitted him? A No, I identified him
and they fetched it here to Tahlequah and never got any cer-
tificates, but he has got a certificate now he says.

Supl.-Thomas J. Welch, Jr. ---2

CORNELIUS WHITTINGTON, being duly sworn and examined, testified as follows:

EXAMINATION BY COMMISSIONER NEEDLES:

- Q What is your name? A Cornelius Whittington.
Q What is your age? A 40.
Q What is your post office? A Oaks.

EXAMINATION BY M. O. SHORLEY, Attorney for Applicant:

- Q Are you acquainted with Hester Ann Morton? A Yes, sir.
Q What was her maiden name? A Her maiden name was Hester Ann Morton.
Q Who was her father? A Joel J. Morton.
Q What relation was he to this old lady--Mrs. Whittington? A He is her son.
Q Are you related to them? A Yes, sir.
Q What is it? A He and Morton is Brothers.
Q Who is the mother? A Cynthia.
Q Do you know anything about their citizenship? A No, sir, I do not know anything about it.
Q Whether they are citizens or not? A They are some Charles, but whether they were readmitted or not I do not know.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings of the above named witnesses, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 10th day of January, 1901.

Thomas J. Welch, Jr.
Commissioner.

10/17
D

RECEIVED
JAN 11 1901
BILFICD
COMMUNICATIONS SECTION
U.S. DEPARTMENT OF JUSTICE

RECEIVED

Dear Sir:
I have received your letter of the 10th inst. regarding the case of the late Mrs. A. B. C. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.
Very respectfully,
J. D. E.

RECEIVED
JAN 11 1901
BILFICD
COMMUNICATIONS SECTION
U.S. DEPARTMENT OF JUSTICE
Dear Sir:
I have received your letter of the 10th inst. regarding the case of the late Mrs. A. B. C. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.
Very respectfully,
J. D. E.

That your honor, being sworn states that as attorney here to the box section to be five civilized tribes as reported in 1881 and the proceedings in the above case and that the foregoing is all true

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 1898, 1900.

In the matter of the application of Thomas J. Welch Jr., and family.
SUPPLEMENTAL TESTIMONY D-1006.

Joel J. Morton called and sworn as a witness before Commissioner
Needles, testified as follows-

- Q What is your name? A. Joel J. Morton.
Q What is your age? A. 49.
Q What is your post office address? A. Westville.
Q Do you know Thomas J. Welch Jr.? A. Yes sir.
Q What relation is he to you? A. He married my daughter.
Q What was her name? A. Hester J.
Q Are you a Cherokee citizen by blood? A. Yes sir.
Q Was the mother of Hester a Cherokee by blood? A. Yes sir.
Q Were you married to her mother? A. Yes sir.

By Cherokee Representative W. W. Hastings.

- Q Where were you married? A. In Texas County, Missouri.
Q When did she come here? A. Came here with me in 1886.
Q Has she lived here ever since? A. Yes sir.
Q Is her mother dead? A. Yes sir.
Q Did she die before or after you came here? A. Died in Missouri.

Chas von Weise, being sworn states that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the
proceedings in the above cause and that the foregoing is a full, true
and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 11th of January, 1901.

Chas von Weise
Commissioner

IN RE

Application for Enrollment of

INFANT CHILD

Susan Welch

as a citizen of

CHEROKEE

Nation.

Approved Jan 11 1901 190

(signed) T. B. Needles
Commissioner.Department of the Interior
Commission to the Five
Civilized Tribes.F I L E D
Jan 11 1901(stamped) Tams Bixby
Acting Chairman.

Card Q 1006

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,
 of Susan Welch, born on the 2th day of March 1898
(Here insert name of child)
 Name of Father: Thomas J. Welch, Jr. a citizen of the Cherokee Nation.
 Name of Mother: Hester Welch a citizen of the Cherokee Nation.
 Post-office Moody, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

I, Hester Welch, on oath state that I am 21
 years of age and a citizen, by blood, of the Cherokee Nation;
 that I am the lawful wife of Thomas J. Welch, who is a citizen, by
 adoption, of the Cherokee Nation; that a Female child was
(Male or female)
 born to me on the 2th day of March 1898; that said child has been named
 Susan Welch, and is now living.

WITNESSES TO MARK:

Hester Welch
 mark

Must be Two Witnesses. } L. F. Carroll
 Charley Welch

Subscribed and sworn to before me this 1th day of Jan. 1901

(S) (E) (A) (L) (signed) J. T. Carroll
 My commission ex. Apr. 14 1904 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

I, Mary P. Welch, a Midwife, on oath state that I at-
 tended on Mrs. Hester Welch, wife of Thomas J. Welch
 on the 2rd day of March 1898; that there was born to her on said
 date a Female child; that said child is now living and is said to have been named
(MALE OR FEMALE)
 Susan Welch

WITNESSES TO MARK:

(signed) Mary P. Welch

Must be Two Witnesses. }

Subscribed and sworn to before me this 1th day of Jan. 1901

(S) (E) (A) (L) (signed) J. T. Carroll
 my commission ex Apr 14 1904 NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Jesse Welch

as a citizen of

C H E R O K E E Nation.

Approved Jan 11 1901 190

(signed) T. B. Needles
Commissioner.

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

FILED
Jan 11 1901

(stamped) Tams Bixby
Acting Chairman.

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,
 of Jesse Welch, born on the 17 day of Sept. 1900
 (Here insert name of child)
 Name of Father: Thomas J. Welch Jr. a citizen of the Cherokee Nation.
 Name of Mother: Hester Welch a citizen of the Cherokee Nation.
 Post-office: Moody, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

I, Hester Welch, on oath state that I am 21
 years of age and a citizen, by blood of the Cherokee Nation;
 that I am the lawful wife of Thomas J. Welch, who is a citizen, by
 adoption of the Cherokee Nation; that a Male child was
 (Male or female)
 born to me on 17th day of Sept 1900; that said child has been named
 Jesse Welch, and is now living.

WITNESSES TO MARK:

Hester ^{her} Welch
mark

Must be Two Witnesses

L. F. Carroll
 Charley Welch

Subscribed and sworn to before me this 1 th day of Jan. 1901

(S) (E) (A) (L) (signed) J. T. Carroll
 my commission ex Apr. 14 1904

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

I, Mary Ghan, Midwife, on oath state that I at-
 tended on Mrs. Hester Welch, wife of Thomas J. Welch
 on the 17th day of Sept. 1900; that there was born to her on said
 date a male child; that said child is now living and is said to have been named
 (MALE OR FEMALE)
 Jesse Welch

WITNESSES TO MARK:

Mary ^{her} Ghan
mark

Must be Two Witnesses

Charley Welch
 L. F. Carroll

Subscribed and sworn to before me this 1 th day of Jan. 1901

(S) (E) (A) (L) (signed) J. T. Carroll
 my commission ex apr. 14 1904

NOTARY PUBLIC.

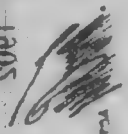
The attorney for the applicant requested that a copy will be made
in ten days in which to file brief in this case, and copy with the
Commissioner, and one copy with the representative of the Creeks
Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

Wm. Hutchinson

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIORS

APR 1 1805
FILED



CLERK CHIEF

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R/

C. D-1006.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Thomas J. Welch, Jr., for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Appearances:

N. A. Gibson, attorney for applicant.
W. W. Hastings, attorney for Cherokee nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 14th day of March, 1902.

The applicant this day, to-wit: the 14th day of March, 1902, appears in person and by his attorney, N. A. Gibson.

THOMAS J. WELCH, JR., being first duly sworn, and being examined testified as follows:

MR. GIBSON: Your name is Thomas J. Welch, Jr.? A Yes sir.

Q Are you the principal applicant in this case? A Yes sir.

Q You are the Thomas J. Welch named as the principal applicant in this application? A Yes sir.

Q What is your wife's name? A Hester N.

Q How long have you known her?

A Known her about a year before I married her.

Q Where is she living since you know her?

A Lived in the Cherokee Nation.

Q State whether she is sometimes known as Nettie? A Yes sir.

Q Who was her father? A Jack Horton.

Q State whether he is living? A Yes sir.

Q State whether he is recognized as a Cherokee citizen?

A Claims to be.

Q Is her mother living? A No sir.

Q Where does her father live? A Coconawawee District.

Q Where did you live in the year 1895? A Lived in Tahlequah District.

Q State whether at that time you made any application to the Commission to the Five Civilized Tribes for enrollment?

A No sir, I didn't have to.

Q Your proof shows you were married to your present wife in February, 1895? A Yes sir.

Q Where were you married? A Tahlequah.

Q What are the names of your children? A Jessie and Susan.

Q How old? A One four years old the 2nd day of March, and the other one two years old this coming September.

Q Are they children of your wife Hester N. Horton? A Yes sir.

Q State whether or not your wife and children are living with you at this time? A Yes sir.

Q Where were these children born? A In Tahlequah District.

Q Cherokee Nation? A Yes sir.

Q Have you ever presented a certificate of the birth of these children? A Yes sir.

MR. GIBSON: I desire to introduce in evidence a certified copy of the records of the Cherokee Nation, showing the General Appropriation Bill in 1891, and particularly insofar as the same provides for the payment of and the enrollment of Hester W. Merten.

BY COMMISSION: The document will be filed and made a part of the record.

The bill is as follows:

GENERAL APPROPRIATION BILL.

Be it enacted by the National Council:

That there be and is hereby appropriated the sum of Twenty Six Thousand Ninety Nine Dollars and two cents out of any money belonging to the General fund not otherwise appropriated to pay the following named persons the amounts placed opposite their respective names:

Per Capita Tahlequah District.

Per Capita 1891.

Ida Pann \$13.70

.....

Per Capita Going Snake District.

Hester Ann Moten \$13.70

.....

Be it further enacted:- That the Principal Chief be and he is hereby authorized to draw warrants according to the Provisions of this Act.

Passed the Senate December 21st, 1891.

Wm. McLean, President of the Senate.

J. L. Thompson, Clerk Senate.

Concurred in by the Council with the following amendments:

Dec. 30th, 1891.

Joe Cobb

W. G. Fields, Clerk of Council

Speaker of Council Pro Tem.

Sarah Nelson,

\$13.70

.....

Be it further enacted:- That the names of all persons appearing on the Per capita rolls in the Act shall be placed on the authenticated Rolls of 1890 by the Principal Chief.

Amendments concurred in by the Senate Dec. 30th, 1891.

J. L. Thompson, Clerk of Senate.

T. M. Buffington,

President of Senate.

Approved this Dec. 31st, 1891.

Stephen Tohee, Asst. Acting Principal Chief.

Executive Office, Cherokee Nation.

Tahlequah, I. T.

I, B. W. Albery, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy (except names) taken from the record of the laws passed by the National Council and approved by the Principal Chief in the year 1891; that said record is filed in this office and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 10th of March, 1902.

(SEAL)

B. W. ALBERTY,
Assistant Executive Secretary,
Cherokee Nation.

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

P I L E D .

Mar. 14 1902.

Tamm Bixby,
Acting Chairman.

The Cherokee Nation offers in evidence, on page 250 of the original Citizenship docket, 1884, of the Cherokee Nation, the following:

" 25. J. J. Merten. Application for Citizenship filed.
E. C. Boudinet, Jr. Attorney.
4th September, 1884.

Withdrawn September 15, 1884."

To the introduction of which the attorney for the applicant objects for the reason that it has not been shown that the book from which this statement is read is the official record of the Cherokee Nation; and for the further reason that it has not been shown that J. J. Merten is in any way connected with the parties making the application in this case; and for the further reason that the entry read therein, even if properly approved, would not in any way tend to prove or disprove the matters in issue in this case.

MR. HASTINGS: I desire that the Commission make a statement with reference to the record, whether or not it is the original record, and how it was obtained.

BY COMMISSION: The record referred to was obtained by the Commission while at Tahlequah, Indian Territory, during the month of November, 1900, the same having been obtained from the Executive Commission of the Cherokee Nation at the request of the Commission Secretary.

The attorney for the applicant and representative of the Cherokee Nation present submit the case, and same is deemed completed and will be reported to the Commission for final decision based upon the evidence of record.

The attorney for the applicant requests that he will be given fifteen days in which to file with the court one copy with the Commission, and one copy with the representative of the Executive Office.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

RECORDED
INDEXED
MAY 11 1901
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

OCT 2 1891

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DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskegee, I. T., October 21, 1902.

In the matter of the application of Thomas J. Welch, Jr., for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of his wife Hester, and his children Susan and Jesse as citizens by blood of the Cherokee nation.

Thomas J. Welch, Jr., being first duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Thomas J. Welch, Jr.
Q How old are you? A 28 years.
Q What is your postoffice address? A Muskegee, I. T.
Q Are you a white man? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee by intermarriage?
A Yes sir.
Q What is your wife's name? A Hester.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has your wife been living in the Cherokee nation? A Born--I don't know exactly how long she has been living in the Cherokee nation; I hadn't known her long when I married her.
Q When were you married to her? A February, 1895.
Q Was you married to her under a Cherokee marriage license? A Yes.
Q You don't know how long she had lived in the Cherokee nation before that, do you? A No sir.
Q Was Hester your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and your wife been living in the Cherokee nation ever since you were married? A Yes sir.
Q Never lived anywhere else? A No sir.
Q Been living together all that time? A Yes sir.
Q And are living together now? A Yes sir.
Q How many children have you by your wife Hester? A Three.
Q Susan, is that one of them? A Yes sir.
Q And Jesse? A Yes sir.
Q What is the next one? A Thomas J.
Q When was that child born? A About September 19th.
Q Last month? A Yes sir.
Q What was your wife's mother's name, do you know? A No, I don't know.
Q Know her father's name? A Yes sir.
Q What is his name? A Jack Norton.
Q Is he a Cherokee Indian by blood? A Yes sir.
Q Do you know how long he has been living in the Cherokee nation? A No, I have known him about seven years.
Q How long had you known your wife before you married her? A About a year.
Q Was she a recognized Cherokee citizen? A She was at that time, yes.

Examination by Joshua Rice, Attorney for applicant:

- Q Was your wife a non-resident of the Cherokee nation? A I don't know.
Q You don't know her mother's name? A No.
Q Was it Laura? A No, I don't think so; I don't know her name.

Francis E. Lane, upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled case on the 21st day of October, 1902, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 21st day of October, 1902.

IN RE

Application for Enrollment of

INFANT CHILD

Thomas J. Welch

as a citizen of

Cherokee Nation.

Approved Oct 31 1902

(signed) C. P. Breckinridge
Commissioner.

10/10/02 Held pending
decision

Department of the Interior
Commission to the Five
Civilized Tribes,

FILED
Oct 31 1902

(stamped) Tams Birby
Acting Chairman.

DEPARTMENT OF THE INTERIOR;

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,
 of Thomas J. Welch born on the 30 day of August 1902
(Here insert name of child)
 Name of Father: Thomas J. Welch Jr. citizen of the Cherokee Nation.
 Name of Mother: Hester A. Welch a citizen of the Cherokee Nation.
 Post-office: Moodys, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

I, Hester A. Welch, on oath state that I am 22
 years of age and a citizen, by blood of the Cherokee Nation;
 that I am the lawful wife of Thomas J. Welch Jr., who is a citizen, by
 adoption of the Cherokee Nation; that a male child was
(Type of child)
 born to me on 30 day of Aug. 1902; that said child has been named
 Thomas J. Welch, and is now living.

WITNESSES TO MARK:

Hester A. ^{her} Welch
 mark

T. J. Welch
 Maggie Young

Must be Two Witnesses.

Subscribed and sworn to before me this 29 day of Sept. 1902

(S) (E) (A) (L) (signed) J. T. Carroll

My Com. Ex. App. 14 1904

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

I, Mary P. Welch, a Midwife, on oath state that I at-
 tended on Mrs. Hester A. Welch, wife of Thomas J. Welch Jr.
 on the 30 day of Aug. 1902; that there was born to her on said
 date a male child; that said child is now living and is said to have been named
(MALE OR FEMALE)
 Thomas J. Welch.

WITNESSES TO MARK:

(signed) Mary P. Welch

Must be Two Witnesses.

Subscribed and sworn to before me this 29 day of Sept. 1902

(S) (E) (A) (L) (signed) J. T. Carroll

My Com. Ex. App. 14 1904

NOTARY PUBLIC.

Q The first time that you saw the man was on the 10th day of December, 1901, is that correct?
 A Yes, sir.
 Q Now, is my testimony correct that you saw the man on the 10th day of December, 1901, at the time that you were on duty?
 A Yes, sir.
 Q Now, you have been told that the man was along before that time, is that correct?
 A Yes, sir.
 Q Now, how long had you been on duty at that time?
 A About 10 minutes.
 Q Now, you saw the man at that time, is that correct?
 A Yes, sir.
 Q Now, you saw the man at that time, is that correct?
 A Yes, sir.

Q The witness, in his testimony, states that a state witness in the case of the man who was arrested on the 10th day of December, 1901, at the time that you were on duty, is that correct?
 A Yes, sir.
 Q Now, you have been told that the man was along before that time, is that correct?
 A Yes, sir.
 Q Now, you saw the man at that time, is that correct?
 A Yes, sir.

RECEIVED
 DECEMBER 11 1901
 DEPARTMENT OF JUSTICE
 DIVISION OF INVESTIGATION

W. J. R. [Signature]

Subscribed and sworn to before me this 10th day of December, 1901.

W. J. R. [Signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 25, 1902.

In the matter of the application of Thomas J. Welch Jr. for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Hester, and his three minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Thomas J. Welch Jr.
Q How old are you, Mr. Welch? A I will be twenty-six years old the twelfth of this coming month.
Q What is your postoffice address? A Moodys, Indian Territory.
Q You are an applicant for enrollment as an intermarried citizen are you? A Yes sir.
Q What is your wife's name? A Her given name is Hettie Welch.
Q Is her right name Hester or Hettie? A Why when I married I called her Hettie, some call her Hester Moten.
Q Now, Mr. Welch, how many children have you and your wife, Hettie?
A Three.
Q What is the oldest child's name? A Susie.
Q How old is that child? A She will be four years old the 2nd day of March I think, next March.
Q What is the next one after her? A Jesse.
Q How old is Jesse? A He is two years old, was two years old the first.
Q What is the next child's name? A Why Thomas J.
Q Thomas J. Welch? A Yes sir.
Q Named after you? A Yes sir.
Q How old is Thomas J. Welch? A He was born the 30th of August.
Q Thirtieth of August, 1902? A Yes sir.
Q When you appeared before the Commission on ~~August~~ ^{October} 21, 1902, you swore that Thomas J. Welch was born on the 29th day of September?
A Well, I made a mistake.
Q You made a mistake at that time? A Yes sir, I was bothered and made a mistake in it.
Q You made a mistake? A Yes sir.
Q Well now, what is the correct date of that child's birth, the 29th day of September, 1902, or the 30th day of August, 1902? A The 30th day of August.
Q You are sure about that, Mr. Welch, are you that it is August and not September? A Yes sir, August.
Q Were you present when your wife made this affidavit swearing to the birth of this child before J. F. Carroll, a Notary Public?
A Yes sir.
Q You were present when she made that affidavit? A Yes sir.
Q Who filled out that affidavit? A Carroll.
Q Carroll himself? A Yes sir.
Q Who give him the date to put down in that affidavit, you or your wife? A I don't recollect whether it was me or my wife.
Q Where was that affidavit made out, at your home or where? A At my house.
Q At your house? A Yes sir.
Q Can your wife write? A No sir.
Q She cannot write? A No sir.
Q Where did Mr. Carroll live, how far did he live from you? A Six miles.
Q Six miles? A Yes sir, Oaks.

Q He lives at the town of Oaks? A Yes sir, just a little place.

Q Did you go to town and get him to go down and take your wife's affidavit? A I was sick in bed and sent my father.

Q You were sick and not able to go? A Yes sir.

Q Was your wife able to go at that time? A No, she was just getting up.

Q She had not been around any since the birth of the child? A She had not been around any.

Q How long had she been up after the child was born when she made that affidavit? A I disremember.

Q About how long? I don't care about the exact date - do you know whether it had been a month, a week or how long? A It was several days after.

Q After she had been up several days, is what you mean, before she made this affidavit? A Yes sir.

Q Had she been up as much as a week when she made this affidavit do you think? A Yes sir, I know she had.

Q Well now, how did you happen to send for Mr. Carroll to come out there at that particular time? A That particular time?

Q Yes. A I just sent for him.

Q Did you see for him just to come and make out this affidavit? A No, I was sick and he is a doctor.

Q Was he doctoring you at that time? A Yes sir.

Q And did he come to see you, and while he was there calling on you professionally that you had him make out this affidavit? A I sent him word to bring his blanks with him.

Q The next time he come to see you? A Yes sir, the next time he come to see me.

Q Well now, how do you fix, Mr. Welch, the date of the birth of this child, how do you fix it in your mind - what do you have to go by? A Well, I just recollect it was on the 30th of August.

Q You have no particular way of fixing the time; did you keep a record of it at home, take it down in your family bible? A I generally fix the date of the month.

Q What do you keep your dates in? A I don't say keep no dates of the month, but I have an almanac.

Q Mark it on the almanac. Did you do so in this case? A No, I never marked it on the almanac.

Q What did you mark it on? A I just looked at the almanac.

Q Were you looking at the almanac on the 30th when this child was born? A Yes sir.

Q Did you put it down? A No sir.

Q Put the date down anywhere so you would not forget what date it was born? A No sir.

Q You didn't mark it on the almanac did you? A No sir.

Q Now, you knew, Mr. Welch, when this affidavit was made out that if this child was born after the first day of September it could not be enrolled? A I know it could not after September, after the first day of September it could not be enrolled.

Q Now, do you want to be understood at this time that this child was born on the 30th day of August, 1902, and that when you was here before the Commission on the 31st day of October, 1902, and testified that the child was born about September 29th that you made a mistake at that time? A Yes sir.

Q You swear to that positively do you? A Yes sir, I made a mistake.

By Mr. Starr: Who was present when this child was born? A My wife, Mrs. Mester.

Q Who else? A J. P. Welch.

Q What is Mester's given name? A I disremember.

3-Thomas Welch Jr., Sheriff.

- Q Who else was there? A Maggie Young.
Q Who else? A A woman by the name of Cox.
Q What is her first name? A Martha, - Martha Cox.
Q Was anyone else there? A No sir, I believe not.
Q Was Mr. Carroll there? A No sir.
Q He had been attending you right along before that? A He was doctoring me.
Q How long had he been doctoring you? A He just came to see me while I was sick.
Q Had he been there before this child was born? A Yes sir.
Q How long before? A It must have been a month or so.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Rothmeyer

Subscribed and sworn to before me this 20th day of December, 1902.

R. C. Jones
Notary Public.

Cherokee D. 1006.

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

In the matter of the application of Thomas J. Welch, Jr.,
et al., for enrollment as citizens of the Cherokee Nation.

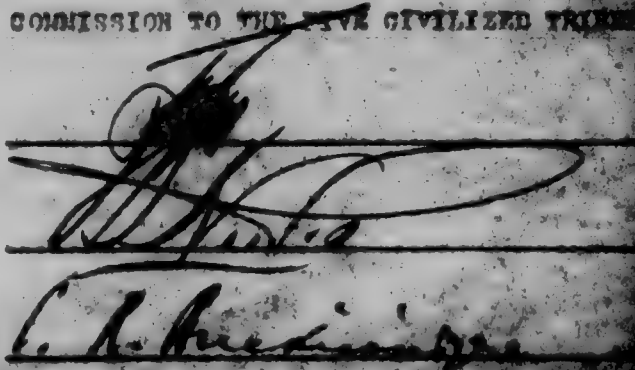
O R D E R.

Now on this 8th day of March, 1903, the Commission having considered the application and request of the Cherokee Nation for an extension of time from fifteen days to ninety days in which to file a protest in this case, and it appearing from the records of the Commission that a decision in this case was rendered by the Commission on the 2nd day of March, 1903,

It is, therefore, ordered by the Commission that the Cherokee Nation be allowed ninety days from the said 2nd day of March, 1903, in which to file a protest in this case, and that the usual time of fifteen days in which to file a protest in applications for citizenship be, and the same is, hereby extended in this case from fifteen days to ninety days.

Done at Muskogee, Indian Territory, this 8th day of March,
1903.

COMMISSION TO THE FIVE CIVILIZED TRIBES



C. H. Breckinridge

(COPY)

MARRIAGE LICENSE.

CHEROKEE NATION, TAHLEQUAH DISTRICT.

TO ANY PERSON LEGALLY AUTHORIZED--GRANTING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of marriage between Mr. Thomas J. Welch a citizen of the United States, and Miss Heddie Moton a citizen of the Cherokee Nation, and you are required to return this license to me for record within thirty days from the celebration of such marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of office, this the 18th day of February 1895.

(signed) T. W. Triplet
Clerk Tahlequah District.

(S) (R) (A) (L)

This certifies that I did on the 21st day of February A.D. 1895, duly, and according to law, and the authority given me in the within licens, solmnize the rite, and publish the banns of matrimony between the parties herein named.

Witness my hand, this the 22nd day of Feb. A.D. 1895.

(signed) J. S. Lamar
Minister of the Gospel
M.R.C.South.

Witnesses (John Howell
(David Reniff

I have this day made record of the above on page 14, Book of Marriages.

(signed) T. W. Triplet
Cln. T.D., C.N.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct reproduction of the original offered in evidence in the matter of the application of Thomas J. Welch Jr. et al. for enrollment as citizens of the Cherokee Nation, Cherokee D-1006.

Mabel F. Maxwell

Subscribed and sworn to before me
this 19th day of February, 1904.

Simon R. Wallingford

Notary Public.

(COPY)

Executive Office Cherokee Nation.

Tahlequah, I.T.

I, B. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the Name:

"Hester Ann Moten"

is to be found on an act of the National Council approved December 31st 1891 in which \$13.70 was appropriated for the party named, and which act contains the following:

"Be it further enacted: That the names of all persons appearing on the percapita rolls in this act shall be placed on the authenticated rolls of 1880 by the Principal Chief," record is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 3rd day of December 1900.

(signed) B. W. Alberty

Assistant Executive Secretary of
the Cherokee Nation.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she copied the above from an original certificate filed in the matter of the application of Thomas J. Welch Jr. et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-1006, and the same is true and correct.

Mabel F. Maxwell

Subscribed and sworn to before me
this 19th day of February, 1904.

Simon B. Hall
Notary Public

H 10369

IN RE
THE DEATH OF

Thomas J. Welch
a citizen of the

Cherokee Nation.

Approved *[Signature]* 24 1904
[Signature]
Commissioner

AUG 17 1904

11

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the death of Thomas J. Welch
a citizen of the Cherokee Nation, who formerly resided at or near
Whitmore, Ind. Ter., and died on the 12 day of
march, 1904

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Thomas J. Welch Jr., on oath state that I am 27
years of age and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Whitmore Ind. Ter.; that I am
father of Thomas J. Welch
who was a citizen, by blood, of the Cherokee Nation;
and that said Thomas J. Welch died on the 12 day of
march, 1904

WITNESSES TO SIGN:

(Must be Two Witnesses)

Subscribed and sworn to before me this 17 day of August 1904
Samuel Gorman
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, on oath state that I am
years of age, and a citizen, by
that my post office address is
that I was personally acquainted with
who was a citizen by
and that said
died on the
day of

WITNESSES TO SIGN:

(Must be Two Witnesses)

Subscribed and sworn to before me this
day of
190

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Whitmire, I.T., May 22, 1904.

In the matter of the application of Hester Welch for the enrollment of herself, and her children, Susan, Jesse, and Thomas J., as citizens by blood of the Cherokee Nation.

Martha C. Cox, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Martha C. Cox.
- Q How old are you Mrs. Cox? A I am 48.
- Q What is your postoffice address? A Whitmire.
- Q Are you a citizen of the Cherokee Nation? A No, sir.
- Q How long have you lived in this neighborhood? A This will be the fourth year; we lived across the river three years and then we moved here; it has been about four or five months I reckon since we have been here.
- Q Do you know Thomas J. Welch, Jr.? A Yes, sir.
- Q What is his wife's name? A They call her Hattie, I don't know whether that is just a nick name.
- Q They have several children? A Yes, sir.
- Q Do you know the name of the youngest child? A No, sir, I don't.
- Q About how old is their youngest child? A I can't tell you that either.
- Q About how many years I mean? A It is over a year old.
- Q Were you present when the child was born? A Yes, sir, I was present.
- Q Who else was present? A Well there was Mrs. Welch.
- Q Is that young Mrs. Welch or the old Mrs. Welch? A Well both of them.
- Q Mrs. Mary P. Welch? A Yes, old Ed Welch's wife; and Cicero Young's wife.
- Q Do you know her given name? A No, sir, I don't; Maggie I believe, though.
- Q Who else was present? A And Mrs. Shelton, and Mrs. Mateer; that was all that was there.
- Q Where does the old lady Welch live? A I can't tell you; since Welch went to the pen she is living though I understand with Cicero, and that is on Mr. Ross Benge's place.
- Q Does Cicero Young live in this neighborhood? A He lives on Mr. Benge's place just across the river; gets his mail here.
- Q Where does Mrs. Shelton live? A Well now I can't tell you, but she lives above here, it is some ways I think; that is what I hear.
- Q Where does Mrs. Mateer live? A She lives right down here the other side of the farm, on Crittenden's place, two homes below here.
- Q Do you remember when this youngest child of Thomas J. Welch, Jr. and Hattie Welch was born? A No, sir, I don't; me and the old man was talking about that, and about the month, and I don't know.
- Q With reference to the time for enrolling children in the Cherokee Nation, do you know whether this child was born before or after the time had expired? A I don't know, but then the way Mrs. Mateer spoke I considered that it was after, because she spoke and said it was too late, but I don't know the answer that she got.
- Q Do you know the date when the rolls closed? A No, sir, I don't.
- Q Was the child born in the day or the night? A It was born in the night, between midnight and day.
- Q Do you think it was born after midnight? A Yes, sir, it was born after midnight.
- Q You say Mrs. Mateer said something about the child being born too late; do you know just exactly what she said? A No, sir, I

don't, that is all I remember about it, just her speaking that it was born too late.

Q Who was she talking to? A Well, I reckon, I can't tell you, she might have been talking to the crowd, I don't know the answer she got nor nothing about who she was talking to.

Q All the persons you have named were in the room present when Mrs. Mateer made that remark? A As well as I know I think they were.

Q Do you remember whether her statement was disputed or contradicted? A No, sir, I don't; I don't know what was said about it, I just remember she saying 'it was too late, speaking something about it being too late.

Q Have you talked with Mrs. Mateer or anyone else who was present when the child was born, since then in regard to the date of the birth? A No, sir.

Q As a matter of neighborhood talk, have you heard anything with reference to the date of the birth of this child? A No, sir, I haven't, I haven't heard nothing at all said about it.

Q Is there any other statement you can make from which the date of this child's birth can be definitely fixed? A No, sir.

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Ross L. Bengo, being duly sworn and examined by the Commission, testified as follows:-

Q What is your name? A Ross L. Bengo.

Q How old are you? A 44.

Q What is your postoffice address? A Whitwire.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Thomas J. Welch, Jr.? A Yes, sir.

Q What is his wife's name? A Hattie, or Hester.

Q Have they several children? A I don't think they have got but two living now, the youngest one died.

Q How far do you live from Thomas J. Welch, Jr.? A At the present time, about a mile and a half.

Q How far were you living from him in the early fall of 1903?

A A little over a quarter of a mile.

Q What was his youngest child's name? A I don't know the name of it at all, I never did know the name of it.

Q When was that child born? A It was born along, let's see, just before the roll closed, two or three days, three or four days or such a matter, for enrolling children; no, after the roll closed.

Q Do you know when the rolls closed, what date? A September the first.

Q As a Cherokee citizen were you aware that under the recent Cherokee Agreement, after a certain date, which you state was September first, no children born to Cherokee parents were to be enrolled? A Yes, sir.

Q In other words, was the fact that the rolls were to close a matter you were familiar with? A Yes, sir.

Q Have you any particular reason for remembering when this youngest child of Thomas J. Welch, Jr. was born, whether before or after the rolls closed, whether after September first, 1903?

A Yes, sir.

Q Why do you remember it? A Because he come down to my place, and he told me about him having a child born that night, and I says, 'Tom, it's just a little too late to enroll it, you ought to have hurried up;' I says, 'You got just in time to be too late.'

Q What answer did he make? A He just laughed.

Q He didn't contradict you? A Oh no, sir, not at all.

Q When was the first time you heard that he ever claimed this child was born in time? A It was quite a while after that, I don't know just exactly how long though, it was after they begun to file at Vinita.

Q Did you have any conversation with him in regard to the matter after you heard he was trying to enroll the child? A No I never

did. I could have knowed the exact date when it was born if I had knowed anything of this kind would ever occur; I never had the least idea it would.

Q Are you positive that the child was born two or three days after the first of September? A Yes, sir.

Q Yourself, you were not present when the child was born, but living as near as you did, do you think you heard of it the next day after the birth occurred? A Yes, sir.

Q Do you think it possible that the child could have been born several days before you heard of it? A Oh no.

Q Is the neighborhood pretty thickly settled? A Yes, pretty thickly settled, everything over on that side; every body over on that side know just about what I do in regard to the matter with the exception of his family; they tells it different.

Q As a matter of neighborhood rumor, has there been any talk about the matter? A Yes, sir.

Q What has been the talk? A Aftah he tried to enroll the child; kin the talk came out and Mrs. Hatfield and my wife and Logan's, they were on my place, got together and Mrs. Logan know exactly the date and I think the way she put it it was about five days too late, after September.

Q What Mrs. Logan was that?-- A Her name was Lizzie Logan, George Logan's wife; she is at Mulberry Station, Arkansas, now. They stayed with Welches a long time.

Q Was she staying there when this child was born? A I think she was present when it was born the way she talked; she knew anyway; she had some cause to know exactly when it was born.

Q Of your personal knowledge though, all you know is that remark to Thomas J. Welch the day after you understood the child was born, that it was too late, and he didn't deny it at that time?

A That is all I know personally.

Q Mr. Bengé, what are the personal relations between yourself and Welch at this time? A I have got nothing against him at all, nothing whatever.

Q You and he are in litigation? A No, sir.

Q Before the contest department of this Commission in regard to selecting some land as an allotment, are you not? A Yes, sir; it wasn't him exactly, it was the old man Welch, as guardian for some minor children.

Q Aside from that, is there any personal animosity between yourself and Thomas J. Welch, Jr.? A None whatever.

Q Are you on friendly terms? A Oh yes.

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Sarah Mateer, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Sarah Mateer.

Q What is your age? A 47.

Q What is your postoffice address? A Whitmire.

Q Are you a citizen of the Cherokee Nation? A No, sir.

Q How long have you lived in this neighborhood? A I have been here eleven years this last February.

Q Do you know Thomas J. Welch, Jr.? A Yes, sir.

Q What is his wife's name? A Hattie Welch.

Q How far do you live from them? A About three miles from here & there.

Q They have several children, have they not? A Three.

Q Do you know when the youngest one was born? A Well I was just studying, I don't know just exactly because he told me here some time ago that there was a rumor about it and he came to me; I was away teaching school and my school was about up the first of September or the last week in August, and I had come home and he come for me and I went; it was out sometime along about the last of August, I don't know exactly, I can't tell, it was out sometime in August, the very last days of August.

Q What school were you taching? A I was up on ^{First} Peavine Creek, it was just a subscription school; the best way I remember as well as I do about it, he had come home in the last of August; he come and asked me and I told him I didn't remember just exactly what day it was, but it was sometime during the last days of August.

Q Do you remember the exact day when the school closed? A No, sir, I don't.

Q Who can we write to to find that out? A Well it was a subscription school and I just quit a while, my school hadn't closed exactly; the first of September we quit in order to let the children pick cotten a while; but that is correct because I was then myself; my statement was correct because because I hardly ever went over there and I knew that is correct.

Q Mrs. Mateer, did you go to Thomas Welch's house after you closed your school? A No, sir, I didn't.

Q If you were teaching on Tyner Creek it must have been after you left there? A No, I would come back every week, every Saturday night, and he came to me on Saturday night that time, I had just got home to stay over Sunday, I went back on Sunday afternoon.

Q When you went to attend on Mrs. Welch, was that before or after you speak of closing your school so the children could pick cotten?

A Why it was just a few days, I went back and they were ready to pick cotten and the First of September came on the first of the week, I don't remember what days, I went up two or three days and then come home, but I knew he come to my place on Saturday night and come back on Sunday.

Q Who was present when the child was born? A Old lady Cox, and old Mrs. Welch, and Cicero Young's wife, and myself.

Q Was there a Mrs. Logan present, Mrs. Lizzie Logan? A Why I don't remember whether there was or not; I believe there was, I believe it was Mrs. Logan; I knew there was one strange lady, I wasn't acquainted with the woman then.

Q Mrs. Cox informs the Commission that the child was born between midnight and daylight; is that correct? A Yes, sir.

Q She further says that when the child was born you remarked that it was born just too late to be enrolled; did you make any such remark at that time? A I don't remember; she has a better memory than I have if she remembers that; it seems to me like it was just a few days before; she has a better memory than I have; of course if I had I would tell it.

Q The point is, do you or do you not remember making any such remark? A NO, sir, I don't; I don't remember making any such remark.

Q Do you wish to state positively that you did not make any such remark? A Not well enough to dispute it, but if I did I don't remember about it at all; I don't think that I did.

Q Have you heard any talk in the neighborhood as to this child being born ~~xxx~~ before or after the roll was closed? A Not lately I haven't, but a while, it has been a year ago, someone came to me and asked me the question and I told them, I says I will get the almanac, I was there; I remember so well about coming home Friday evening, it was; it was Friday night I went down there, and he came after me, and I refused to go that time.

Q I asked the question, have you heard any neighborhood talk about when this child was born? A I haven't lately.

Q Did you ever hear any talk? A Yes, sir, I did here a while back.

Q What was it you heard? A Why I just heard some of the neighbors saying it was too late, and they asked me the question and I told them I didn't know, I didn't pay any attention to it myself.

Q Welch, I believe you stated, has talked to you about this case since the child was born? A Yes, sir.

Q Was that before or after you heard this neighborhood talk?

A It was before; he came to me and asked me if I remembered exactly what day it was, and I told him I didn't, it was sometime

during the last days of August, I don't remember what day it was.

Q Mr. Reas L. Bengé has told the Commission that he talked with Tom Welch the day after the child was born, and remarked to him that it was born too late, and that Welch never attempted to deny that the child was born too late; do you think Mr. Bengé is mistaken?

A Well I can't say, he was more interested than I was, of course I don't know one thing about it; I would rather believe Mr. Bengé than to believe Welch; I don't remember.

Q Are you any relation to Tom Welch? A No sir, not any at all, none whatever.

Q Did Welch ask you to testify before the Commission for him in case this matter came up? A Yes sir.

Q Did you and he discuss that date of the child's birth at that time? A He just only asked me and I told him it was sometime in the last of August, I didn't remember what time it was; he said that he had forgot and I said I didn't pay any attention; of course it was nothing to me and I didn't pay any attention at all, I didn't remember.

Q You state now under oath positively that the child was born during the month of August, 1902, the last of the month? A Why to the best of my knowledge, to the best of my knowledge.

Q Do you think your knowledge or recollection is correct?

A Well I think so, I am not very forgetful, I wouldn't tell anything I wouldn't think was correct, and to the best of my knowledge it was the very last days of August, it was on Friday night, I came home on Saturday morning, it was the very last days of August.

Q You say the child was born Friday night? A Yes sir, or rather Saturday morning, it was between midnight and daylight.

Q All this testimony relates to the birth of Thomas J. Welch, Jr.'s youngest child? A Yes sir.

Q What is the name of that child? A I don't remember; Tennie.

Q Have you talked with anyone except Mr. Welch about this matter; any other of your neighbors? A No sir, I haven't.

Q Mrs. Mateer, the Commission has had information, not under oath, that Welch agreed to pay you for testifying before the Commission that the child was born prior to the first of September, 1902; when he talked with you, did he agree to pay you anything or offer you anything for testifying in case you were called before the Commission? A No sir, he didn't; that is a mistake, he never did in the world; I did not; that is a positive mistake; no I couldn't be hired to tell anything I didn't think was so, and I am confident, I know as well as I know anything, that I am alive, that it was the last of August, but it is nothing to me and of course I wouldn't tell anything that is incorrect at all.

Q You have no promise or expectation of reward or pay of any kind?

A None at all, he never did speak to me neither except as to friends.

Q It is only a question of promise of payment? A No sir, in the world, he never did.

MAGGIE YOUNG, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Maggie Young.

Q How old are you? A I am going on thirty.

Q What is your post office? A Whitmize.

Q Are you a citizen of the Cherokee Nation? A No sir.

Q Do you know Thomas Welch, Jr.? A Yes sir.

Q What is his wife's name? A Hester Ann Welch.

Q Are you any relation to Thomas J. Welch Jr.? A A sister.

Q Mrs. Young were you present when a child was born to Hester Ann Welch, about a year and a half ago? A Yes sir.

- Q When was that child born? A The 30th of August.
- Q Of what year? A 1902.
- Q Who else besides yourself was present? A My stepmother, Mary P. Welch.
- Q Who else? A Mrs. Mateer.
- Q Who else? A Mrs. Con.
- Q Who else? A Mrs. Shelton.
- Q Who else? A Thomas Welch.
- Q Who else? A I believe that was about all that was present I think.
- Q Was Mrs. Lissie Logan present? A No, sir.
- Q Do you know her? A Yes, sir, but she wasn't present at that time.
- Q How far did she live from your brother? A She lived about half a mile.
- Q Was she there soon after the child was born? A No, sir, she wasn't there at all.
- Q How do you fix the date, August 30, as the time when this child was born? A Well I was present at the time.
- Q How do you know what the time was, what day? A Well I just know what time it was and we had talked about it, then to Mrs. Mateer when it was born.
- Q What day of the week was it? A I disremember what day of the week it was, I couldn't say for sure, I know it was the 30th of August.
- Q Well how do you know it was the 30th of August? A Well because I just got an almanac and looked, and it was the 30th of August.
- Q What time of the night was the child born? A About three o'clock, after midnight on the 30th morning in August.
- Q Have you talked with your brother since the birth of the child in regard to the date of the birth? A Yes, sir.
- Q For what purpose did you talk about it? A Well I always told him it was born on the 30th.
- Q How did he happen to ask you when it was born? A We were just talking about it and he had made a mistake in the birth of the child and we corrected him on it, I did.
- Q How do you mean made a mistake? A Well he insisted it was in September and I told him it was wrong, and there was so many present that we all agreed and corrected him on it; he had forgot.
- Q Have you talked with him more than once? A Yes, sir.
- Q What was the occasion of the conversation the other times? A I just told him the child was born the 30th of August, 1902.
- Q Why did you keep on telling him that? A I just wanted him to know when the child's birthday was.
- Q Did he ever talk with you about the date of the birth of this child with a view to having you testify before the Commission for him if you were required to do so? A Yes, sir, he said he was going to have me there, and they told him there was no use, they would take the midwife there.
- Q Who was the midwife? A Mrs. Sarah Mateer, and more than that, me and her has talked ourselves about it.
- Q Why did you happen to talk about it? A Well we heard that there was certain people going down there and swear that the child came too late and me and her was talking about it and she said she knew better than that, it was after August; they then went over to see her about it and she said they needn't come and talk to her nothing about it because she knew all about it.
- Q You said "after" August; do you mean that? A Yes, that is what certain people talked about, trying to keep it off the roll, and they went over to see her.
- Q Who were they? A Mrs. Hatfield was one there, she went there to see her and me and Mrs. Mateer was talking about it.
- Q Did you hear Mrs. Mateer making any remark the night the child

was born about it being born too late? A No, sir.

Q If Mrs. Cox says Mrs. Mateer remarked that the child was born too late, is she mistaken? A Yes, sir, Mrs. Cox is mistaken, Mrs. Mateer never said any words like that at all.

Q How far did Ross Bengs live from your brother at the time the child was born? A He lived right down here where he lives now.

Q How far did your brother live from him at the time? A I don't know, I guess Mr. Bengs lives about a good quarter now.

Q Did you ever talk with Mr. Bengs about the date of the birth of the child? A No, sir, never did.

Q Ever hear him say anything about it? A No, sir, never heard him say anything about it.

Q Does he live close enough to have known of the birth of the child right after it occurred? A Yes, sir, I guess he does.

Q If he says it was born three or four days after the first of September, do you think he is mistaken? A Yes, sir, he is mistaken.

Q You swear now positively under oath that this child was born the 30th of August, 1904? A Yes, sir.

Q How many children has your brother living now? A Two.

Q Which ones are dead? A The least one, the one we are talking about.

Q How many did he ever have? A Three.

Q Mrs. Young, I will ask you if the reason you and your brother and Mrs. Mateer talked about the date of the child's birth wasn't because it became a matter of common neighborhood talk that the child was born too late to be enrolled? A Yes, sir, we were talking about people going and talking and asking people trying to find out when it was born.

Q Was anyone besides Mrs. Matfield doing that? A Not that I know of.

Q What interest did she have in the matter? A Why she just wanted to try to keep the child off the roll.

Q Do you know why she should want to do that? A Because she didn't like Tommie anyhow, and she didn't want the child on the roll, doing all she could against him.

Q If Mrs. Mateer and Mr. Bengs stated that Mrs. Logan was present, do you think they are mistaken? A Yes, sir, they are mistaken positive.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the foregoing testimony, and that the same is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of August, 1904.

J. P. ...
Notary Public

Cherokee D-1006.

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

In the matter of the application for the enrollment of
Hester, Susan, Jesse and Thomas J. Welch, as citizens by blood of
the Cherokee Nation.

DECISION.

The record in this case shows that on December 17, 1900, Thomas J. Welch, Jr., appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Hester Welch, and minor children, Susan and Jesse Welch, as citizens by blood of the Cherokee Nation. The application for the enrollment of said Thomas J. Welch Jr. is not passed upon at this time, nor is he embraced in this decision. On October 31, 1902, a birth affidavit was filed with the Commission showing the birth of Thomas J. Welch on August 30, 1902. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 18, 1900, and at Muskogee, Indian Territory, on March 14, October 21 and November 25, 1902.

The evidence shows that on February 21, 1895, the said Hester Welch (nee Morton), a citizen by blood of the Cherokee Nation, was married to Thomas J. Welch, Jr., and as a result of that marriage the minor applicants herein were born.

There is on file with this Commission a duly authenticated certificate issued from the executive office of the Cherokee Nation, to the effect that the name of "Hester Ann Moten" is found in an act of the National Council of said nation, approved December 31, 1891, and in which there is appropriated to her the sum of \$15.70. Said act contains the further provision:

"That the names of all persons appearing on the per capita rolls in this Act shall be placed on the authenticated rolls of 1880 by the Principal Chief."

The said Hester Welch is identified on the 1894 strip payment roll of the Cherokee Nation under her maiden name, Hester A. Morton. The evidence further shows that the children herein ap-

plied for are too young to appear on any of the tribal rolls of said nation, but are duly identified by birth affidavits made a part of the record herein and, being minors, it is considered that their residence is the same as that of their parents.

The evidence further shows that the said Hester Welch removed to the Cherokee Nation in 1866 and has resided therein continuously since that time.

It is, therefore, the opinion of this Commission that Hester Welch, Susan Welch, Jesse Welch and Thomas J. Welch should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 6 1904

Cherokee #1069.

I am of the opinion that the infant child of Thomas J. Welch, Jr., was born after September 1, 1902. However, the testimony is somewhat unsatisfactory and conflicting, and if possible I think it would be well to have the testimony of the parties named in the letter of Bruce C. Jones, Chief Clerk of Cherokee Land Office, dated September 2, 1904. The testimony ^{of 07} a proposition of this kind should be clear and convincing, and I do not consider the testimony now before the Commission as being of that character.

September 29, 1904.

C. M. McR.

of its storage, Kelly has long been a student of the
and what he has learned from his own experience, and
water of the country, and the fact that the water
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COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 Muskogee, Indian Territory, March 6, 1906.

 In the matter of the alleged birth of Thomas J. Welch Jr.

Martha ^{Cox} ~~Cox~~, being duly sworn, testified as follows:

- Q. What is your name? A. Martha ^{Cox} ~~Cox~~.
- Q. How old are you? A. I am 49.
- Q. Are you a Cherokee by blood? A. No sir.
- Q. Are you a white woman? A. Yes sir.
- Q. What is your post office address? A. Whitwire.
- Q. Indian Territory? A. Yes sir.
- Q. Do you know Thomas J. Welch? A. Yes sir.
- Q. How long have you known him? A. About 5 years.
- Q. What is his wife's name? A. Hattie Welch.
- Q. Are you related in any way to Welch or his wife? A. No sir.
- Q. How far do you live from Thomas Welch? A. About a quarter of a mile.
- Q. Do you remember of a child being born to Thomas Welch and his wife, Hattie Welch, some time in 1902? A. I can not say what year it was, but then there is a dispute up I suppose about the child.
- Q. You remember the child being born? A. Yes sir, I was present.
- Q. Do you remember what month it was? A. No sir, I can't say.
- Q. Do you know what day of the week it was? A. No sir, I can't even say what day of the week it was.
- Q. Were you the midwife? A. No sir.
- Q. You just happened to be there? A. They called me in.
- Q. They called you in as a neighbor to help them out? A. Yes sir.
- Q. And you do not know the day of the week nor the month? A. A. No sir.
- Q. Do you know Mrs. Hatfield? A. Yes sir.
- Q. Does she live in the neighborhood? A. Yes sir.
- Q. Was she there when the child was born? A. No sir.
- Q. Do you know Mrs. Nater? A. Yes sir.
- Q. Where does she live? A. I don't know, but she lived close there when the child was born.
- Q. Was she present? A. Yes sir.
- Q. Was it on a Saturday night when the child was born? A. I couldn't say what night it was, it has been so long.
- Q. Do you know anything as to whether or not this child was born too late to be put on the roll? A. Yes sir, Mrs. Nater spoke and said that it was too late for its right. That is all that I knew about it. I didn't stay but a few minutes after the child was born for my man was sick, and I was uneasy about home. She spoke them words while she was dressing the child. She spoke and said it was too late.
- Q. When did she say that? A. It was the same morning that the child was born.

Thomas J. Welch Jr. -- #2.

Q. When was it born? A. Just before day light.

Mr. Hastings:

- Q. Do you know Thomas Welch's mother? A. Yes sir.
Q. Was she present? A. Yes sir.
Q. Mrs. Mateer present? A. Yes sir.
Q. Who else? A. Mrs. Shelton, Mrs. Mateer, the old lady Welch, and Cicero Young's wife.
Q. Mrs. Mateer said, while they were dressing the baby, that it was born too late for its right? A. Yes sir, and I didn't pay any attention to what was said afterwards, for as I said I was uneasy about home.

WITNESS EXCUSED.

On February 18, 1905, the attorneys for the Cherokee Nation were notified that they would be allowed to introduce such testimony as they desired, on March 6, 1905, touching the death of Thomas J. Welch Jr., and that notice of their intention to do so should be given to Hester Welch, the mother of Thomas J. Welch Jr.

On this day, March 6, 1905, the Cherokee Nation, represented by its attorneys, Bell, Hastings, and Davenport, state that they do not wish to offer any further testimony, and are willing for the matter to be decided upon the record as now made up. The Commission, of its own motion, took the testimony of Martha Cobb for what it is worth.

Eula Jeanes Branson, being sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 6th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 11th. day of March, 1905.

Myron White.
Notary Public.

The evidence will not warrant the Commission in striking the name of Thomas J. Welch, Jr., from the rolls. The burden of proof is now on the Nation. All told, the witnesses stand six to two in favor of child's right. At this last hearing, which appears to have been ex parte, the witnesses stand two to two. In considering the evidence, you may also find that Mrs. Hatfield, if present, would testify that the child was born after September 1st. She is charged with having started the rumor that the child was born too late. She was not present at the birth. Mrs. Mateer is the best witness. She gave a reason why she remembers. She was teaching school and came home ~~Saturday~~^{Friday} night, and Welch came after her and she was present at the birth. The child was born at three o'clock Saturday morning. She does not know the exact date but does know that it was the latter part of August as she returned to school, and her school was out the first week in September.

The father testified formerly before the Commission that the child was born September 29. He was mistaken, as it is clearly shown that the child was born before that time. It was the night of August 29, but in fact August 30, as it was after midnight.

I have my suspicion as to whether the child was born prior to September 1st, but this is a suspicion natural to us all in these cases. More testimony should be introduced before ^{the Commission} should strike the name from the roll.

ML

Cherokee 10369.

I do not believe the later testimony in this case shows that No. 4 on Cherokee card 10369, was born subsequent to September 1, 1902. I believe, however, that, as a matter of fact, this child was born too late to be enrolled, and the strongest evidence we have of this theory is that on October 21, 1902, Thomas J. Welch, Jr. (father) testifies that the child was born "about September 29", (1902), together with the fact that birth affidavit filed herein bears date of September 29, 1902, (twenty-two days before Thomas J. Welch, Jr., appeared before the Commission and testified as above indicated), but was not filed until October 31, 1902, (forty days after Thomas J. Welch, Jr., submitted the above mentioned testimony).

The testimony of Thomas J. Welch, Jr., taken at Muskogee, Indian Territory, November 25, 1902, indicates that he knew the Cherokee rolls closed on September 1, 1902, and that an affidavit was required to be filed in order to identify children whose names did not appear on any roll. Taking into consideration the knowledge Thomas J. Welch, Jr., is shown to have possessed relative to the procedure for enrollment of Cherokees, together with the inconsistency of his statements and actions in view of such knowledge, I am very strongly of the opinion that the change of birthdays was an afterthought, and that, as a matter of fact, Thomas J. Welch (the baby) unfortunately, did not arrive within the time specified in section twenty-five of the act of Congress approved July 1, 1902, (32 Stat. 716), and that his name should be withdrawn from Cherokee card No. 10369.

A. S. M. J.



(COPY)

Muskogee, Indian Territory, February 26, 1908

Mr. Thomas J. Welch, Jr.,
Moody, Indian Territory.

Sir:

You are hereby notified that the application of yourself, your
minor
wife and two children for enrollment as citizen of the
Cherokee Nation will be taken up for final consideration by the
Commission to the Five Civilized Tribes, at its office in Muskogee,
Indian Territory, on the 14 day of March, 1908.

On said date, you may, if you desire, appear before the
Commission, in person or by attorney, when an opportunity will be
given you to introduce any additional testimony affecting your
application.

You are further notified that the Representatives of the
Cherokee Nation will also, at the same time, be afforded an oppor-
tunity to introduce testimony tending to disprove your right to
enrollment, but said representatives will be required to notify you
of their intention to introduce such testimony before they will be
permitted to do so.

(Copy to M. O. Shorley)

Yours truly,

Cherokee D-1006
Register.

Commissioner in Charge

(COPY)

Cherokee D-1006

Muskogee, Indian Territory, November 13, 1908.

Thomas J. Welch, Jr.,

Moodya, Indian Territory.

Sir:

You are hereby notified that further testimony, as to the rights of yourself and family to be enrolled as citizens of the Cherokee Nation, is required by the Commission.

You will be allowed 15 days from the date of this letter, within which to appear before the Commission at its office at Muskogee, Indian Territory, and give this testimony.

Respectfully,

Acting Chairman.

(MPK)

COPY.

Cherokee D-1006

Muskegee, Indian Territory, March 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Thomas J. Welch Jr., for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Hester, and his minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

James Dixby

Chairman.

Enc. H-7167

(COPY)

Cherokee D. 1006

Muskogee, Indian Territory, March 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 5, 1903, asking that the fifteen days allowed you for protest against the decision of the Commission rendered in Cherokee doubtful case, D1006, Thomas J. Welch, et al., be extended to ninety days in order that you may investigate the right to enrollment of Thomas J. Welch, Jr., a child of the principal applicant in this case. You state that you have information to the effect that this child was born subsequent to September 1, 1902, and is therefore not entitled to enrollment as a citizen of the Cherokee Nation.

In accordance with your request, there is herewith enclosed to you a copy of an order of the Commission to the Five Civilized Tribes, dated at Muskogee, Indian Territory, March 9, 1903, giving you ninety days from March 2, 1903, in which to file such protest as you may desire to make against the action of the Commission in this case.

Respectfully,

Tans Bixby

Chairman

Enclosure H. No. 15.

(107)

Cherokee D-1006

Muskogee, Indian Territory, January 7, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Thomas J. Welch, Jr., for the enrollment of his wife, Hester Welch, and his three minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. D-17.

Chairman

(COPY)

Kenneth S. Murchison.

Frank J. Boudinot.

MURCHISON & BOUDINOT,
Attorneys at Law,
TAHLQUAH, IND. TER.

January 14, 1904.

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

Gentlemen:

Referring to the letter of Murchison & Boudinot, dated December 30, 1903, entering the appearance of the Firm on behalf of Mrs Hester Welch and her children, claimants for enrollment as citizens of the Cherokee Nation by blood, I have to say that since the date of that letter, Mr. Boudinot and I have dissolved partnership, and that while we have not come to any agreement about the division of suits already in the Firm, still it has been agreed that I shall carry on our litigation.

I, therefore, in reply to the Commission's letter of January 13, 1904, received to-day, have to request that the Commission will note my appearance individually for Mrs Hester Welch and her children, and as soon as practicable will furnish me with a copy of the record of the testimony in these cases.

Very respectfully,

IBA

(signed) Kenneth S. Murchison

(MFK)

(COPY)

Cherokee D 1006

Muskogee, Indian Territory, January 18, 1904.

Kenneth S. Murchison,

Attorney for Thomas J. Welch, Jr., et al.,

Tahlequah, Indian Territory.

Dear Sir:

In accordance with your request of January 14, there is herewith inclosed a copy of the testimony in Cherokee D 1006, Thomas J. Welch, Jr., et al., together with a blank form of receipt for same, which you are requested to sign and return to the Commission.

Respectfully,

Commissioner in Charge

Encl. V-39

(COPY)

Cherokee D-1006.

Muskogee, Indian Territory, January 25, 1904.

Thomas J. Welch, Jr.,
Mobby, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting your application for the enrollment of your wife, Hester Welch, and your three minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-15.

Cherokee D-1006.

Muskogee, Indian Territory, January 25, 1904.

Kenneth S. Murchison,

Attorney for Thomas J. Welch, Jr., et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Thomas J. Welch, Jr., for the enrollment of his wife, Hester Welch, and his three minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-11.

Cherokee Land Office,
Tahlequah, I.T.
September 2, 1904.

Transmits testimony in re
application for enrollment of
Hester Welch and her children as
Cherokees.

COMMISSIONERS
TAMM BERRY,
THOMAS B. NEEDLES,
C. B. BRACKINRIDGE.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. O. BRALL,
Secretary

FORM TO BE FILLED BY THE APPLICANT

ADDRESS OF APPLICANT: Tahlequah, Indian Territory, September 2, 1904.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Cherokee Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original and three carbon copies of the testimony taken in the matter of the application for the enrollment as citizens by blood in the Cherokee Nation, of Hester Welch and her children, Susan, Jesse and Thomas J. Welch, Cherokee 10369.

This testimony was taken on account of persistent rumors which reached this office that Thomas J. Welch was born subsequent September 1, 1902, and the matter is transmitted for such further action as the Commission may deem proper.

I respectfully state in further reference to this matter that a Mrs. Hatfield, who is the nearest neighbor on the south to Thomas J. Welch, was not at home on the day this testimony was taken, and her testimony was not therefore obtained. I have subsequently had handed to me a memorandum to the effect that she will swear the child was born after the first of September.

I have also been informed that Cicero Young, the husband of Maggie Young whose testimony was obtained, will also, if put under oath, testify similarly.

Commission #2

Further, I have been verbally informed that Thomas J. Welch would not in the presence of Ross L. Benge deny the conversation which Mr. Benge testified to. I may add that the reputation for truth and veracity of Thomas J. Welch, in fact of all the Welch family, is anything but good.

Respectfully,

Bruce Jones

Chief Clerk,
Cherokee Land Office.

JFG
Enc G-76

COPY.

Cherokee-10369.

Muskogee, Indian Territory, September 8, 1904.

W. V. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of Hester Welch, for the enrollment of herself and her three minor children, Susan, Jessie and Thomas J. Welch, as citizens by blood of Cherokee Nation.

Respectfully,

SIGNED:

James Blaby
Chairman.

Encl. 5-88.

COPY.

Cherokee-10369

Muskogee, Indian Territory. February 18, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

It appears from the record, in the matter of the application for the enrollment of Hester Welch et al., that the Commission rendered its decision, on January 6, 1904, granting, among others, the application for the enrollment of Thomas J. Welch Jr.; that the said Thomas J. Welch Jr. was placed upon the final schedule of citizens by blood of the Cherokee Nation, and approved by the Secretary of the Interior. It further appears that you claim that the said Thomas J. Welch Jr. was born subsequent to September 1, 1902.

The Commission desires to know whether or not you desire to present further evidence with reference to the birth of that child. If you do, you will so notify Hester Welch, Needy, Indian Territory, mother of said Thomas J. Welch Jr., of your purpose to introduce testimony on that point.

It is suggested, in case you desire to furnish such evidence, that the case be set for hearing on March 6, 1906, at the offices of the Commission in Muskogee, Indian Territory.

Respectfully,

Wm. H. B. B. B.

Cher 10370

Sarah Pation

Trans. from D733

Cher 10370

to file with the Commission... the original or a certified copy of the records and certificate authorizing her marriage to said William Patton.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

(Signed) E. G. Rothenberger.

[Handwritten flourish]

Subscribed and sworn to before me this 28th day of October, 1900.

(Signed) M. D. Green,

Notary Public.

[Handwritten flourish]

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

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

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., October 29, 1900.

In the matter of the application of Sarah Patton for the enrollment of herself, husband and one child as Cherokee citizens; she being sworn by Commissioner C. E. Breckinridge, and examined by the Commission, testified as follows:

- Q What is your name? A Sarah Patton.
 Q What is your age? A 21.
 Q What is your postoffice address? A Sena.
 Q Do you make application for enrollment as a Cherokee citizen by blood? A Yes, sir.
 Q For whom do you make application? A Myself, husband and one child.
 Q What district are you living in? A Delaware district.
 Q How long have you lived in the Cherokee Nation? A All my life; born and raised here.
 Q Have you been outside of the Cherokee Nation any time during the past three years? A No, sir.
 Q What degree of Cherokee blood do you claim? A 1/8.
 Q What is the name of your father? A Bob Marion.
 Q Is he living or dead? A He's dead.
 Q Is he a Cherokee or white man? A White man.
 Q What is the name of your mother? A Emily Stone.
 Q Is she a Cherokee by blood? A Yes, sir.
 Q Is she living? A Yes, sir.
 Q Are you married? A Yes, sir.
 Q What is the name of your husband? A William Patton.
 Q Is your husband living? A Yes, sir.
 Q Is he a Cherokee by blood? A No, sir, he's a white man.
 Q How old is your husband? A About 30 or 35.
 Q How long has he lived in the Cherokee Nation? A 15 years.
 Q What is the name of his father? A John Patton.
 Q Is John Patton living or dead? A He's dead.
 Q What is the name of your husband's mother? A Sarah.
 Q Is she living or dead? A Yes, she's living.
 Q Has your husband's parents ever recognized as citizens of the Cherokee Nation? A No, sir.
 Q When were you married? A Three years in March.
 Q Where were you living at the time of your marriage? A Delaware district.
 Q Were you married in accordance with the laws and customs of the Cherokee Nation? A No, sir.
 Q Have you any evidence of your marriage? A No, sir never did get them.
 Q Who married you? A I forgot the fellow's name.
 Q Was he a minister of the Gospel? A Yes, sir.
 Q Did you secure your marriage license from the clerk of the United States Court? A No, sir; he said if we would send him \$1.00 he would send us the marriage certificate.
 Q What was the name of the child for whom you desire to make application? A Winnie May Patton.
 Q How old is this child? A 15 months old.
 Q Is it alive and living with you at the present time? A Yes, sir.
 Q Was the mother of this child? A Yes, sir.
 Q William Patton the father of this child? A Yes, sir.
 Q Were you ever married before? A No, sir.
 Q Had he ever married before? A No, sir.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q What district were you living in at the time of your marriage? A Delaware district.
 Q How long have you lived in the Cherokee Nation? A All my life.

Witness, Elizabeth E. Stone, being sworn, examined by the Commission, testified as follows:

- Q What is your name? A Elizabeth E. Stone.
- Q How old are you? A I think I was born in '58.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q What is your postoffice? A Pryor Creek.
- Q Is the applicant here, Sarah Patton, your daughter? A Yes, sir. She presents a certificate of admission from the Executive Department at Tahlequah on the 15th day of September, 1880, showing that various persons were admitted to citizenship. Among those names appears the name of one Elizabeth E. Marion, nee McAllister.
- Q Is the Elizabeth E. Marion, who is mentioned in this document, yourself? A Yes, sir.
- Q Was this child admitted at the time you were admitted to Cherokee citizenship? A No, sir; she wasn't born then.
- Q When was your daughter born? A I couldn't tell what year she was born.
- Q How old do you think she is? A I don't think she is— about 19 years old. I never did set their ages down.

The applicant presents a certified copy of a certificate of admission from the Executive Department at Tahlequah, dated on the 15th day of September, 1880, admitting her mother, then Elizabeth E. Marion and various children to citizenship in the Cherokee Nation. The document is signed by Keach Young, President; W. Harnage and G. V. Hayes, Assistant Commissioners; and J. B. Hayes, Clerk of the Commission. The name of the applicant does not appear in said document. These papers are herewith returned.

Commission to applicant:

- Q What district were you living in in 1895? A Delaware District.

Commission to Witness: Elizabeth E. Stone further testifies.

- Q Did you have a son Jake J. Muskrat? A Yes, sir.
 - Q Where was he enrolled? A In Tahlequah Dist.
 - Q What was your name in 1895? A Muskrat.
 - Q Was the applicant living with you at that time? A Yes, sir. 1894 roll; page 1141, #2779, Sarah Marion, Tahlequah District.
- Commission— The papers heretofore returned to the applicant will be filed by the Commission.

W. W. Hastings, representative of the Cherokee Nation to Elizabeth E. Stone, witness, who testifies as follows:

- Q What do you say your name is? A Elizabeth E. Stone.
- Q What is the name of your father? A Peter McAllister.
- Q Is he a Cherokee by blood? A No, he's a white man.
- Q What is the name of your mother? A Rebecca Ralston.
- Q Is she Louis Ralston's sister? A Yes, sir.

Commission:

The applicant applies for the enrollment of herself, her husband and one child. She presents a certified copy of the certificate of admission showing that her mother was admitted to citizenship in the Cherokee Nation in 1880 under the name of Elizabeth E. Marion. The name of the applicant is not mentioned in the said certificate of admission. The Commission is unable to identify the applicant as being upon the Census roll of 1895; however, she is identified on the strip payment roll of 1894, together with her mother. For the reason that she is not identified on the census roll of 1895, and for the further reason that her name does not appear in the certificate of admission, although she appears to be old enough to have been living at that time, she will be placed upon what is known as a doubtful card for further consideration of the Commission. She will be listed thereon as a Cherokee by name. Her name is identified on the census roll of 1894, together with her mother.

mother on a doubtful card, and when she presents satisfactory proof as to its birth in the form of affidavits, this child will be listed for enrollment as a Cherokee by blood. As for the application which she makes on behalf of her husband; she presents no satisfactory proof as to her marriage to him and avers that he is a white man, and that they were married about three years ago in March, too late under the Cherokee law of 1895 regulating marriages of white people with citizens to acquire property rights in the Cherokee Nation. His application, therefore, for enrollment as a Cherokee citizen by intermarriage is rejected, and she will be required to file with the Commission either the original or a certified copy of the license and certificate authorizing her marriage to said William Patton.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 28th day of October, 1900.

(Signed) N. B. Green,

Notary Public.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 3rd day of January, 1901.

Commissioner.

7023
[Handwritten flourish]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 20 1900

[Handwritten signature]

[Handwritten mark]

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct 29 1900 1900.

Name Gina J. J.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

Licensed Yes Certificate _____

Wife's name Sarah Patton

District TAHLEQUAH. Year 1894 Page 141 No. 2779

Citizen by blood Yes Mother's citizenship _____

Intermarried citizen No

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Name	Dist.	Year	Page	No.	Age
<u>Marion Patton</u>					<u>16 mo</u>
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age

In 1894 call as Sarah Marion
 2 Birth affidavits required

20 33

20

So

IN RE

Application for Enrollment of

INFANT CHILD

Minnie M. Pastore

as a citizen of the

Cherokee Nation.

Approved

[Signature] 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 23 1901

[Signature]
ACTING CHAIRMAN

[Handwritten notes]
Duplicate sent to [unclear]. The other
one is attached to [unclear].

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Minnie M Pateon, born on the 2^d day of April, 1899
(Here insert name of child)
Name of Father: William Pateon, a citizen of the Cherokee Nation.
Name of Mother: Sarah Pateon, a citizen of the Cherokee Nation.
Post-office, Zona - Ind. Terr.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
McMurry District.

I, Sarah Ors Pateon, on oath state that I am 19
years of age and a citizen, by Blount of the Cherokee Nation;
that I am the lawful wife of William Pateon who is a citizen, by
Intermarriage of the Cherokee Nation; that a Female child was
born to me on the 2^d day of April 1899; that said child has been
named Minnie M Pateon, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses.) } George Barber
Thomas Barber Sarah Ors Pateon
mak

Subscribed and sworn to before me this 24th day of December 1900.
J S Remian
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
District.

I, _____, on oath state that I
attended on Mrs. _____, wife of _____
on the _____ day of _____, 1900; that there was born to her on
said date a _____ child; that said child is now living and is said to have been
named _____
(male or female)

WITNESSES TO MARK
(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____ 1900.
NOTARY PUBLIC.

The evidence card
number was accurately
produced and filed

12/8/67

520

Western District
Indian Territory

After..... days return to
J. S. REMSEN,
General Notary Public and
NOTARY PUBLIC,
GROVE, INDIAN TERR.

Grove, December 24th 1900

Persons, appeared before me a Notary Public in and
for said Dist. and Territory - William and Sarah suf-
ficiently aged respectively, 30 and 19 years of age -
whose post office is Zena, Ind. Terr. to me well
known and entitled to credit - who after being
duly sworn declared as follows. to wit. that
they are unable to procure the evidence of one
McCallan, a midwife, who acted in that
capacity when our child, Minnie McCallan was
born - from the fact. We went to Elm Prairie
Cherokee Nation. to get Mrs. McCallan to go with
us before the Cons. Conf. at Claremore and the
facts she lived with them said she had moved
away to Arkansas - and they did not know what
part of the state she had gone to - and we
are unable to find her - to get her evidence

Witness our mark as such this 24th day of
December A.D. 1900

William ^{his} McCallan = Husband
Sarah ^{her} McCallan = Mother

Witness to mark.
Robert L. Barry.
H. Morris,

The within affidavit
subscribed and sworn to this 24th

day of December A.D. 1900 - and I certify that
I acquainted affiants with contents - and explained
the same before being executed

J. S. Remsen
Notary Public

Northam Dist

Ind. Territory

Crime

January 16th 1911

Personally appeared before me a Notary Public in and for said Terr. Ind. Territory = Sarah Ors. Paeton who declares under oath that her true name is Sarah Ors. Paeton that she was 19 years old the 8th of September 1900

Sarah Ors. Paeton
mon

J. S. Pearson

The within affidavit subscribed and sworn to this 16th day of January 1911

J. S. Pearson

Notary Public

Supl.-G.D.#733.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of SARAH PATTON as
a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, and an opportunity would be given her to introduce any additional testimony affecting her application. She was especially requested to supply the Commission with a certificate of the residence of her mother, Elizabeth E. Martin to citizenship in the Cherokee Nation. Receipt has been acknowledged of Commission's letter and the applicant having this day, to-wit, the 8th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

J.O.R.

2733

IN RE)

Application for Enrollment of

INFANT CHILD

Minnie May Pation

as a citizen of the

Cherokee Nation.

Approved *July 5* 1902

[Signature]
Commissioner.

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

FILED

JUL 5 1902

[Signature]
ACTING CHAIRMAN

751 01
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1871

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
 of Minnie May Patten, born on the 5th day of April, 1902
(Here insert name of child)
 Name of Father: William Patten, a citizen of the Cherokee Nation.
 Name of Mother: Sarah Patten, a citizen of the Cherokee Nation.
 Post-Office: Gene T.S.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Nottingham District.

I, Sarah Orf Patten, on oath state that I am 21
 years of age and a citizen, by Birth, of the Cherokee Nation;
 that I am the lawful wife of William W Patten, who is a citizen, by
intermarriage, of the Cherokee Nation, that a Female child was
(Male or female.)
 born to me on the 2^d day of April, 1899
1902; that said child has been
 named Minnie May Patten, and is now living.

WITNESSES TO SIGN:
(Must be Two Witnesses.)
[Signature]
[Signature]

Sarah Orf Patten
mark

Subscribed and sworn to before me this 7th day of June, 1902
[Signature]
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

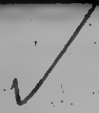
UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Nottingham District.

I, Mary Woodland, Mid wife, on oath state that I
 attended on Mrs. Sarah Orf Patten William W Patten
 on the 2^d day of April, 1899 that there was born to her on
 said date a Female child; that said child is now living and is said to have been
 named Minnie May Patten.

WITNESSES TO SIGN:
(Must be Two Witnesses.)
Mary Kirk
Lou Smallwood

Mary Woodland
mark

Subscribed and sworn to before me this 2^d day of May, 1902
[Signature]
 NOTARY PUBLIC.



10932

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 3 1902

ACTING CHAIRMAN

Notarial List

From 30th 1902

First Term

Personal, appeared before me a Notary Public in and for said District and Territory. William J Shoemaker age 64 years Post office. South West city. Mo and William H Martin age 29 years. Post Office. South West city. Mo who after being duly sworn declared in relation to the age of Sarah C. Patton as follows -

That to the best of their knowledge she was born in the year 1881 in the fall - in a box house near the mouth of Honey creek we were both there many times after she was born. And have known her ever since

Witness Our hands ^{or mark} as Duke this 30th day of June Year of Our Lord 1902

William H Martin
William J Shoemaker

Witness to Mark

John H Smith
S. J. Bullard

The within Affidavit Subscribed and sworn to this 30th day of June A.D. 1902

J. S. Remann
Notary Public

Cherokee D 733.

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

In the matter of the application of Sarah O. Pation for the enrollment of herself and her minor child, Minnie Pation, as citizens by blood of the Cherokee Nation.

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

The record herein shows that on October 29, 1900, Sarah O. Pation appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of herself and her minor child, Minnie M. Pation, as citizens by blood of the Cherokee Nation. The application also included her husband, William Pation, but he is differently classified and not embraced in this decision.

The evidence shows that the applicant, Sarah O. Pation, is the daughter of Elizabeth E. Stone, who was admitted to citizenship, under the name of Elizabeth E. Marion, in the Cherokee Nation, by the duly constituted authorities of said Nation, on September 15, 1880; that said Sarah O. Pation was born since the admission of her mother to citizenship as above set forth; and that Minnie M. Pation was born since 1896 and is the minor child of Sarah O. Pation.

It further appears that Sarah O. Pation is identified by the name of Sarah Marion on the 1894 Cherokee strip payment roll, and her said minor child is identified by a birth affidavit made a part of the record herein.


The evidence further shows that said Sarah O. Pation has resided in the Cherokee Nation all her life and her said minor child is considered to have resided with her since its birth.

It is, therefore, the opinion of this Commission that Sarah O. Patton and Minnie M. Patton should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,
this **JAN 5 1904**

10

P433

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 24 1902

[Handwritten signature]

COMMISSIONERS:
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

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

Muskogee, Indian Territory,

February 10, 1902.

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mrs. Sarah Patien,

Wrens, Indian Territory,

Madam:-

You are hereby notified that the application of **yourself and one minor child**

for enrollment as **citizen** of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on **the eighth day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate of readmission to Cherokee citizenship of your mother Elizabeth E. Marion.

CherokeeD-733
Register.

Yours truly,

Acting Chairman.

Commissioner in Charge.

Muskogee, Indian Territory, March 13, 1908.

Mr. William Patton,
Zena, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 7, stating that it will be impossible for your wife to be present before the Commission on the date set for the final hearing of her application for enrollment as a citizen of the Cherokee Nation, which date you give as March 18.

In reply you are advised that the notice sent you stated that the application of your wife would be taken up for final consideration on March 8.

You are further advised that on that date the case was called and there being no appearance the same was deemed completed. If there are any papers that you desire to file in this case you should send them to the Commission at the very earliest possible date, as the Commission will proceed at once to render its decision.

The Commission will render its decision as soon as practicable and you will be duly informed of the final result.

Yours truly,

INDEXED

100	100	100
02667	100	100
1903	NOV 27 1903	

Cherokee Land Office,
Breckinridge,
Tahlequah, I. T.
Nov. 25, 1903.

Transmits original card with
decision, signed, in Cherokee
D.733 Sarah Patton et al.

RECEIVED
NOV 27 1903
FOR ALL INFORMATION
SEE FILE NO. 100-100

110

COMMISSIONERS
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BECKIRIDGE,
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D 733.

ALLISON L. AVLESWORTH,
SECRETARY

Boz

ADDRES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, November 25, 1903.

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

Gentlemen:

There is transmitted herewith, for your consideration
and further action, the original card, with decision therein
prepared at this office and signed by me, in the matter of the
application of Sarah Patton et al. for enrollment as citizens
by blood of the Cherokee Nation, Cherokee D 733.

The original card herein is at the General Office at
Muskogee.

Respectfully,

C. R. Beckiridge

Commissioner in Charge
Cherokee Land Office.

EGR.
Enc. 8.

Handwritten scribbles and initials at the bottom of the page.

193.		
1002		

Cherokee Land Office,
Tahlequah, I. T.,
Dec. 5th 1903.

Transmits jacket and record in
case of Sarah Patton, et al.,
Cherokee D 733.

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-733

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah, Indian Territory, December 5, 1903.

Commission to the Five Civilized Tribes,

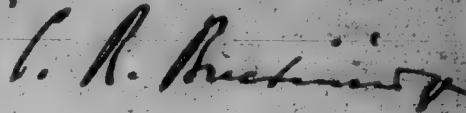
(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

As requested in the Commission's letter of December 2,
there is transmitted herewith the jacket and record in the matter
of the application of Sarah Patton et al., for enrollment as
citizens of the Cherokee Nation, Cherokee D-733.

Respectfully,



Commissioner in Charge
Cherokee Land Office.

MFM

Enc. M-26

Cherokee D 733.

Muskogee, Indian Territory, January 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Sarah O. Patton for the enrollment of herself and her minor child, Minnie M. Patton, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. D-26.

Chairman.

Cherokee D-733.

Muskogee, Indian Territory, January 28, 1904.

Sarah O. Paticn,

Zena, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 8, 1904, granting your application for the enrollment of yourself and your minor child, Minnie M. Paticn, as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-4.

Cher 10371

Daniel W. Tyner

Trans. from D564

Cher 10371

Department of the Interior,
Commission to the Five Civilized Tribes
Bartlesville, I. T., October, 11th 1900.

In the matter of the application of Susan Tyner for the enrollment of herself and two children. She having been duly sworn by Commissioner Breckinridge testified as follows—

- Q How old are you? A 50 years.
Q What is your post office? A Farley.
Q Do you live in the Coconoscoowee district? A Yes sir.
Q Who is it that you want put on the roll? A. Myself and two children.
Q Have you a husband? A Yes sir.
Q Do you want him put on the roll? A. Just married him.
Q How long since you married your husband? A. Month.
Q Is he a white man? A Indian.
Q What kind of Indian is he? A. Cherokee I guess.
Q Is he here? A. Yes sir he is here.
Q Do you know whether he is a Cherokee or Delaware? A Cherokee.
Q What you apply for yourself, husband and two children? A. Yes sir.
Q Are you a Cherokee? A Yes sir.
Q Full blood? A I suppose so.
Q And your husband is a Cherokee? Yes sir.
Q Is he a full blood Cherokee? A Dont know.
Q How long have you lived in the Cherokee Nation? A. Going on 19 years.
Q Where were you born? A. I cannot answer that.
Q Dont you know where you were born? A No sir.
Q Give me the name of your father. Sam Charley.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Betale.
Q Is she dead? A Yes sir.
Q Were you admitted to Cherokee citizenship with your family about 19 years ago? A Yes sir.
Q And have lived in the Cherokee Nation ever since? A Yes sir.
Q What is your first husband named? A. Lewis Tyner Jr.
Q Is he dead or alive? A Dead.
Q What is the name of your second husband? A Wess Tiblow.
Q Is he dead? A Yes sir.
Q What is the name of your present husband? A Daniel Webster Tyner.
Q You have only been married those three times? A Yes sir.
Q What was your name in 1867? A Tyner.
Q This present husband, Daniel Tyner, was he born in the Cherokee Nation? A I dont believe he was.
Q. Did he come here when your people came? A. I dont know I think now that he was born here.
Q. And he lived here all his life? A. Yes sir.
Q Give me the name of your father. Louis Tyner.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A I dont know what his mothers name is.
Q Is she dead? A Yes sir.
Q Give me the names of your two children. A. Bertha Tiblow.
Q How old is that child? A. 3 years old.
Q Give me the name of your next child. Charley Tiblow.
Q How old is that child? A. About two years old.
Q How old is your present husband? A 27.

JAMES F. TYNER is here called as a witness in this cause and having been duly sworn testified as follows—

- Q Do you know this man Daniel Webster Tyner? A. Yes sir.
Q Is he the husband of the applicant here? A Yes sir.
Q Was he born in the Cherokee Nation? A No sir.
Q Where was he born? A. In the Pottowatonic Reservation.
Q What time did he come to the Cherokee Nation? A. 1867.
Q And you think that he was admitted by the Cherokee Council? A. Yes sir. I think that his name was given in as full.

Q Was he an orphan? A Yes sir.
Q What name did they give in for him? A. Ellis.
Q And you think that he was put down under that name? A Yes sir.
Q He is the husband of this woman now? A Yes sir.

Applicant re-called

Q Was your father living in 1896? A. No sir.
Q Was your mother dead 4 years ago? A. She is alive yet.
Q What was her name 4 years ago? A. Always went by the name of
Betsie Charley.
1896 Roll page 352, No 372. Susan Tiblo, Cooweescoowee,
1894 " " 181 " 1420, Webster Ellis, "

The applicant is shown by the official publication of the laws and joint resolutions of the Cherokee Nation enacted during the years 1881, 2 & 3, to have been admitted with her family on December, 8th 1881. It is set forth on page 14 of said acts. This is identified as official evidence of her admission.

The applicant applies for the enrollment of herself, her husband and two children. Her husband appears in person in the course of the examination. She has been married to her present husband only a few weeks but this marriage is established by her own and additional testimony. She is a full blood Cherokee. She is shown to have been admitted to Cherokee citizenship in 1881. She has lived in the Cherokee Nation ever since and is identified on the 1896 roll and she will be listed now for enrollment as a Cherokee by blood. When she supplies the Commission with a certificate of the birth of her two children Bertha and Charles Tiblow, children by a former husband, they also will be listed for enrollment as Cherokees by blood. Her present husband Daniel Webster Tyner is identified on the roll of 1894 under the name of Ellis. He is not identified on the roll of 1896. It is claimed that he was admitted to Cherokee citizenship in 1887. He does not present sufficient evidence of his admission nor can any reliable evidence be obtained at present the present moment. It is said that he has lived in the Cherokee Nation ever since his admission. It is ~~said~~ stated that he came to the Cherokee Nation with a family by the name of Ellis. The application for his enrollment will now be placed on a doubtful card to await further and sufficient evidence of his admission to Cherokee citizenship.

Chas. von Weise being duly sworn ~~subscribed~~ states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 11th day of October, 1900

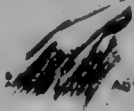
[Signature]
Commissioner.

9567

2

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 11 1900



ACTING CHIEF

CHEROKEES BY BLOOD AND ADOPTION.

Name 27 Daniel W. Tigner Date OCT 11 1900 1900.
 District Turley D.
 Citizen by blood Yes Mother's citizenship Lewis Tigner Year 1894 Page 181 No. 1420
 Intermarried citizen No
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____
 Wife's name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

[Large handwritten signature: Daniel W. Tigner]

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

[Large handwritten signature: Daniel W. Tigner]

*On 1894 Roll as Webster Ellis
Evidence of admission to be supplied*

N501

I, J. O. Fosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Fosson
Stenographer.

B

102 PM

RECEIVED
MAY 11 1902
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

~~RECEIVED~~
MAY 11 1902
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
DANIEL W. TYNER as a citizen of the Cherokee Nation: Introduced
on part of applicant:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902. On said day the case was called and by agreement was continued until the 8th day of March, 1902. Receipt of the Commission's letter has been acknowledged and the applicant this day appears in person and by his attorney, A. H. Norwood, Dewey, Indian Territory.

Mr. J. C. Starr, Cherokee Representative present.

JAMES F. TYNER, being duly sworn, testified as follows on
part of applicant:

MR. NORWOOD:

- Q State your name, age and post office address? A My name is James F. Tyner, 41 years old; Turley post office.
- Q Are you acquainted with the applicant? A Yes, sir.
- Q How long have you known him? A Why I have knowed him ever since he was a small boy.
- Q Did you know his parents? A Yes, sir.
- Q State who then were. A His father was named Tom Ellis.
- Q What was his father, as to Indian blood? A He was a Cherokee, part Cherokee and part Shawnee.
- Q Was he a citizen of the Cherokee Nation? A Yes, sir.
- Q How did he become a citizen of the Cherokee Nation? A Why he was admitted by an Act of Council in 1887 or 1888, I don't remember just what year; it was either '87 or '88.
- Q Was the applicant a member of that family at that time? A Yes, sir.
- Q Were they residing in the Cherokee Nation at that time? A Yes, sir, at that time.
- Q Has the applicant resided in the Cherokee Nation ever since that time? A Yes, sir; he has lived right there in a mile of my place since their admission.
- Q And recognized as a citizen of the Nation? A Recognized as a citizen of the Nation.

Mr. Starr: The representatives of the Cherokee Nation object to testimony about the admission of applicant unless it is first shown the the record is lost or destroyed.
Commission: The objection will be noted; answer the question.

- Q Are there any descendants of Tom Ellis, the parents of the applicant, older than him that were admitted at the same time? A Yes, sir.
- Q Can you recall at the names of any of them? A Yes, sir; the oldest was Mrs Sarah Lewis, she was a married woman at the time; her name was Sarah Lewis, and the next was Tom Edward Ellis and Ely Ellis and Daniel Webster Ellis.
- Q How many younger than him? A Yes, sir, there were three.

- Q Can you name them? A Lusy and Isaac and William.
Q He was the fourth then of the family? A Yes, he was the fourth.
Q Was he a member of the family at the time and living with them?
A Yes, sir.

MR. STARR:

- Q where did Daniel W. Tyner live before he came to the Cherokee Nation? A He lived in Pottawatomie reservation.
Q Did he have a home there? A He could not have any home, they was living down there too.
Q Did he ever take a reservation there? A Allotment you mean?
Q Yes. A No, sir; you see that was before that country was allotted; they just stayed there on the Pottawatomie reservation, since that time the Shawnees and Pottawatomies have allotted together.
Q Did Daniel Tyner get any allotment there after it was allotted?
A No, sir, they moved away from there before that country was allotted..

Q By what Court was these people admitted that you speak of?
A Council.

Q Cherokee National Council? A Cherokee National Council. I was down there with them as an interpreter; they was part Shawnee and part Cherokee, could not talk english or Cherokee either.

Commission: The attorney for the applicant requests and will be granted 20 days in which to furnish the Commission with evidence of the admission of the applicant to citizenship in the Cherokee Nation by the Cherokee National Council.

Commission of Mr. Norwood: Do you desire to file a brief in this case?

Mr. Norwood: I think I will.

DANIEL W. TYNER, the applicant, re-called for additional cross-examination on part of Cherokee Nation:

James F. Tyner, aged 41, post office Turley, I.T., being duly sworn as an Interpreter, interprets the answers of the witness as follows:

BY MR. STARR:

- Q What is your name? A Daniel Webster Tyner.
Q What is your age? A 28 or 29, he don't know exactly.
Q Did you ever receive an allotment of land in any country outside of the Cherokee Nation? A No, sir.
Q Did any one ever taken an allotment for you? A No, sir.

MR. NORWOOD:

Q What relation are you to to Sallie Lewis, Edwin Ellis, Ely Ellis, Isaac Ellis and Lucy Ellis? A They are sisters and brothers, one of them is a half brother.

Commission: The attorney for the applicant and the representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record, in addition to the evidence which the applicant desires to supply relative to the admission of the applicant to citizenship in the Cherokee Nation.
The Attorney for the applicant requests and will be granted 20 days in which to file a brief, one copy with the Commission and one copy with the Cherokee Nation.

I, J. O. Rosson, do hereby certify upon my official oath as
stenographer to the Commission to the Five Civilized Tribes that I
correctly recorded the testimony and proceedings in this case,
and that the foregoing is a true and complete transcript of my
stenographic notes thereof.

J. O. Rosson
Stenographer.

Subscribed and sworn to before
me this 22nd of July 1902,
My term expires July 17th 1905,
W. A. Brigham
Notary Public

In the
Citizenship of
Samuel W. Taylor

Wt'd,

James Walker

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 25 1902



United States of America }
Indian Territory Northern Dist. } 87

I William S. Tiblow on my oath say that I am about 50 years old and live on Bird Creek in the Cherokee Nation and near where James Tucker lives and have lived at my present place and near there 31 years, My P. O. is Turley T. I. and ^{am} a citizen of the Cherokee Nation of Shawnee blood; I have known Daniel W. Tyner since 1886 when he was a small boy, and at that time he was known as Webster Ellis and lived with the family of Thomas Ellis whom I knew in his lifetime, I know that the person formerly known by the name of Webster Ellis and now known by the name of Daniel W. Tyner is one and the same person, said Daniel W. Tyner has lived near me since 1886, I know that the family of Thomas Ellis was readmitted to citizenship in the Cherokee Nation by act of Council in 1887, and that the said Daniel W. Tyner has been on the rolls of said Nation since that time under the name of Webster Ellis, and was a member of said Thomas Ellis family, William S. Tiblow

Subscribed and sworn to before me this 22nd

day of July 1902

W. A. Bryman
Notary Public

In Re Citizenship of

Daniel W. Lyner

vs.

William S. Tolson

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

FILED
JUL 25 1902



ACTING CHAIRMAN

United States of America }
Indian Territory Northern Dist } 87

I William S. Tiblow on my oath say that I am about 50 years old and live on Bird Creek in the Cherokee Nation and near where James Walker lives and have lived at my present place and near there 31 years; my P.O. is Turley, T., and ^{am} a citizen of the Cherokee Nation of Shawnee blood; I have known Daniel W. Tyner since 1886 when he was a small boy, and at that time he was known as Webster Ellis and lived with the family of Thomas Ellis whom I knew in his lifetime. I know that the person formerly known by the name of Webster Ellis and now known by the name of Daniel W. Tyner is one and the same person. Said Daniel W. Tyner has lived near me since 1886. I know that the family of Thomas Ellis was readmitted to citizenship in the Cherokee Nation by act of Council in 1887, and that the said Daniel W. Tyner has been on the rolls of said Nation since that time under the name of Webster Ellis, and was a member of said Thomas Ellis family. William S. Tiblow

Subscribed and sworn to before me this 22nd
day of July 1902

W. A. Brigham

Subscribed and sworn to before
me this 22nd of July 1902,
My term expires July 17th 1905,
W. A. Brigham
Notary Public

In the
Citizenship of
Samuel W. Taylor

Sept.
James Walker

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 25 1902

[Signature]
NOTARY PUBLIC

United States of America }
Indian Territory Northern Dist } 50.

I James Walker on my oath say that I saw 79 years old and live on Bird Creek in the Cherokee Nation a little South of the West of Collinsville and have lived and seen a citizen of Cherokee Nation by the name of ~~Thomas~~ Ellis since 1866 and my P.O. is Turkey I.T. I have known Daniel W. Tyner all his life, I was present and was a witness at ~~the~~ ^{the} ~~trial~~ ^{trial} for Thomas Ellis in 1857 when he was readmitted by act of Cherokee National Council to citizenship in the Cherokee Nation and that said Thomas Ellis was a Cherokee by blood, that the above named Daniel W. Tyner was a member of the Thomas Ellis family and at that ^{time} went and was known by the name of Webster Ellis and that Daniel W. Tyner and Webster Ellis is one and the same person, Daniel W. Tyner formerly known as Webster Ellis has lived near me since 1886 and now lives there, I saw Charley was the other witness to the blood citizenship of the said Thomas Ellis in 1857 and is now dead, the Thomas Ellis family is related to Wilson Gribb Canadian District, I.T.

Witness

B. L. Graves
James J. [unclear]

James ^{his} Walker
[unclear]

POSTAL SERVICE
UNITED STATES DEPARTMENT OF JUSTICE

RECEIVED

TO: DIRECTOR, FBI
FROM: SAC, [illegible]
SUBJECT: [illegible]

RE: [illegible]
[illegible]
[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, Ind. T., October 7, 1903.

In the matter of the application of Daniel W. Tyner for enrollment as a citizen by blood of the Cherokee Nation.

DANIEL W. TYNER, personally appearing, and being first duly sworn and examined, testified as follows:

- Q What is your name? A My name now is Daniel W. Tyner.
Q How old are you? A Thirty years old.
Q What is your post office address? A Turley.
Q Are you an applicant for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee or Shawnee? A I am a Cherokee.
Q Are you full blood? A No, my mother is a Shawnee.
Q How much Cherokee are you? A I don't know, about one fourth I guess.
Q How much Shawnee? A About three fourths.
Q Is your wife named Susan Tyner? A Yes, sir.
Q Where were you born? A In Oklahoma.
Q How long did you live in Oklahoma? A I don't know how long we lived there. I was born there and we came here about seventeen years ago.
Q What is the name of your father? A Tom Ellis.
Q Lewis Tyner is just your step-father? A I don't know; I stayed with him all the time.
Q Is Tom Ellis living or dead? A Dead.
Q When did he die? A About nine years ago.
Q What is your mother's name? A My mother aint got no English name.
Q What is her Indian name? A Na-qua-ta.
Q Is she living or dead? A Dead.
Q When did she die? A About eleven years ago.
Q Did your father and mother ever come to the Cherokee Nation?
A Yes, sir.
Q Did you come with them? A Yes, sir.
Q You came when they did, about seventeen years ago? A Yes, sir.
Q They died in the Cherokee Nation? A Yes, sir.
Q After they came here from Oklahoma about seventeen years ago they lived here until they died? A Yes, sir.
Q Have you lived here continuously since you came here about seventeen years ago? A Yes, sir.
Q Have not lived out at all? A No.
Q How old were you when you came here? A I don't know. Must have been about seventeen or eighteen years old.
Q You were a minor when you came here? you were not twenty-one, were you? A No, sir.
Q Do you remember exactly what year you came here? A No, I don't know what year.
Q How many years was it before the big payment? A What payment?
Q The strip payment? A (No response).
Q The 1828-70 payment? A (No response).

Q Do you know how many years it was before that payment? A About three years, I guess.

Q Were you re-admitted to Cherokee citizenship by an Act of Council, or by any of the citizenship commissions? A (No response). (Applicant not being able to readily understand English, James F. Tyner was duly sworn in as Shawnee Interpreter).

Q Were you admitted to Cherokee citizenship in the Cherokee Nation at that time? A Yes, sir, I was admitted by an Act of Council.

Q Do you know what year that Act of Council was passed? A Long about 1887.

Q Were you living here when you were admitted or did you come here after you were admitted? A I was living here.

Q You came here before you were admitted? A I came here in the spring in March, and in November I was admitted.

Q Who is Sarah Ellis? A She was a daughter of Tom Ellis.

Q Was she your sister? A Yes, sir.

Q Your full sister? A No, sir, half sister.

Q Who is Edward Ellis? A He is brother to Sarah Ellis and half brother to me.

Q Who is Eli Ellis? A He is a brother.

Q Half or full? A Half.

Q Did you have ~~any~~ any other brothers or sisters, or half brothers or half sisters? A Delba Ellis, half sister.

Q What was the last two? A The last are full brothers and sisters. Lucy; Isaac. He is dead. Oodey.

Q Any more? A That is all.

Q Were you living with Tom Ellis when he was admitted? A Yes, sir, I was living with him----I was living with my father when I was first admitted.

Q Were these other half brothers and sisters and full brothers and sisters living with your father, too? A Yes, sir.

Q Were you all living in one family at that time? A Yes, sir.

Q How long was that after you came from Oklahoma? A We all came here together. Lived in the same house.

Q For about how long? A We all lived together until the old man died and about eight years after we came here and mother died about six years after we come here.

Q I mean, how long did you live with your father? A I lived with my father until I was about eighteen years old.

Q Well how long did you live with your father after you came from Oklahoma? A One year.

Q And you state that your father came here in the spring and was admitted by the Council the following fall? A Yes, sir.

Q Was your half sister, Sarah, ever married? A Yes, sir, that is her husband-----(indicating).

Q What is his name? A Jim Lewis.

Q Do you know why you were not admitted when your father and the rest of your family were admitted? A I don't know. I supposed I was admitted too.

Q At the time your father was admitted were you a minor and living with him? A Yes, sir, I was a minor.

Q And, I believe you state that since you came from Oklahoma you have not lived with out of the Cherokee Nation at all? A No, sir, I have not lived out of the Cherokee a month no time since I came here.

From a printed list of persons readmitted to citizenship in the Cherokee Nation, certified to by Henry B. Smith and Robert T. Hanks, copyists, appears the names of the following persons readmitted by Council on November 28, 1888:

Thomas Ellis, Sarah Ellis, (wife of Jeff Lewis), Edward Ellis, 26 years, Eli Ellis, 24 years, Delby Ellis, 17 years, Lucy Ellis, 9 years, Isaac Ellis, 7 years, William Ellis, 5 years.

- Q Do you know anyone named Colbert Ellis? A Ellis had a boy named Robert Ellis.
- Q I said Colbert---C-c-l-b-e-r-t? A Edward had one.
- Q Did Eli have any children besides Robert? A Yea, sir.
- Q What was their names? A One was named Nancy.
- Q Any others? A Sister named Betsy.

The applicant will be required to furnish the Commission with a certified copy of the Act of Admission by the Cherokee National Council of November 28, 1888.

By W. W. Hastings, attorney for Cherokee Nation:

- Q Why do you go by the name of Tyner? A I don't know why I go by the name of Tyner. I live with the Tyner family.
- Q Did you always go by the name of Tyner? A No, I used to go by the name of Ellis before I left my father and after that I went by the name of Tyner; but while I went to school I went by the name of Ellis.
- Q Where did you go to school? A In Oklahoma, in the Shawnee Mission.
- Q Well, now, did you always go by the name of Ellis until you were about eighteen years of age, when you left your father? A My name was Ellis there and I went by that name until I left my father. I was eighteen then.
- Q Did you go by the name of Ellis when your father was admitted? A Yes, sir.
- Q You and Sarah Ellis are half brother and sister, and have a different mother? A Yes, sir.

BY THE COMMISSION

- Q Why were you not enrolled in 1896? A I don't know. They claimed my name was not on the certificate of citizenship.
- Q The census takers refused to put your name down in 1896, did they? A Yes, sir. They refused to take my name because I was not on that certificate of citizenship.

JAMES F. TYNER, a witness, being duly sworn upon personal appearance, testified as follows:

- Q What is your name? A My name is James F. Tyner.
- Q How old are you? A 47.
- Q What is your post office address? A Turley, I. T.

BY A. H. Norwood: Attorney for Applicant:

- Q How long have you known the applicant? A I have known him ever since he came to this country; I knowed him before in Oklahoma.
- Q Do you know who his father was? A Tom Ellis is supposed to be his father; I could not swear that.
- Q The applicant is recognized as his son? A Yes, sir.
- Q And he recognizes him as his son? A Yes, sir.

Q Well, then, just state for the benefit of the Commission where the boy lived, and who he lived with and all about him to the present time? A Well, the reason I think he went by the name of Tyner, they had some trouble in the family, Tom Ellis did, and would not claim his as his son, but he always did claim him up to that time.

Q Well, where did the boy live after he left his father? A Well, one place after another; stayed with me most of the time, but then went to my father's and stayed with him about seven months and then came back to my house.

Q He came here with Tom Ellis, did he? A Yes, sir, he was at Ellis'es when he was re-admitted.

Q Are you positive that he was included in the petition for citizenship? A Yes, sir, that is all I know about it, he was included in the petition and there was a small payment after that, I forget what payment it was, and he drew something there and he was on the Strip Payment Roll and also on every roll except the '96. The Census takers refused to take him because he was not on the certificate. He wrote down to the office here and they claimed there was no record of him.

Q And you say he was on every roll up to 1896 from the time he came here? A Yes, sir, that is about all I know of it.

By W. W. Hastings:

Q Did Tom Ellis ever live with this boy's mother? A Yes, sir.

Q When? A He was living with her when he came to this country.

Q Did he bring this boy's mother with him here? A Yes, sir.

Q Did he ever have any other wife except this boy's mother? A Not living with him.

Q Well, did he ever have any other? A Yes, sir, he had several children by his first wife. That was the time before he married this other woman.

Q Before he married the mother of this applicant? A Yes, sir.

Q Well, now, how long had he been living with the mother of this applicant when he came to this country? A I couldn't say positively, but it must have been fifteen or sixteen years.

Q Well, how do you know that? A Well, I was down in that country, my father was and father had his store down there in Oklahoma.

Q Well, did he live with this boy's mother until she died? A Yes, sir.

Q Where did she die? A She died in the Cherokee Nation, on Bird Creek.

Q And she and Tom Ellis were living together then as husband and wife at that time? A Yes, sir.

Q But this boy was not living with them? A When his mother died?

Q Yes, sir? A No, sir.

Q Did he have any other children besides applicant's mother?

A Yes, sir.

Q What was their names? A Why, he had a daughter named Lucy.

The he had some boys younger than Lucy named Isaac and William.

Q Well, was Lucy younger or older than the applicant? A She was younger.

Q Younger than the two boy's also? A Yes, sir, one boy, two boys younger than Lucy.

Q You say Tom Ellis disputed the parentage of this boy? A That was my understanding.

Q Well, you know, don't you? A Well, it was just hear-say.

Q Did Tom Ellis live in the neighborhood? A Yes, sir.

Q And this boy came to your house to live? A Yes, sir.

Q Well, what was your understanding, we want to know all the facts?

A (No response).

Q Who did Tom Ellis say was the father of this boy? A Well, he did not say was was the father of the boy. Well, he said too, that Lewis Tyner was the father.

Q And that is really the reason why this boy goes by the name of Tyner? A Yes, sir.

Q Did he say this boy was born before he married his mother?

A No he did not say that.

Q Well, the boy was born before Tom Ellis married his mother?

A I don't know that.

BY THE COMMISSION:

Q Is Lewis Tyner living? A No, sir.

By W. W. Hastings:

Q Where did he die? A Down on Bird Creek.

BY THE COMMISSION:

Q Did the mother of this boy have any English name? A Not that I know of.

Q Was she included in that application to the Council to be re-admitted? A Yes, sir.

Q Do you know why her name was not among those who were re-admitted?

A No, I don't know why, but I suppose it was because she was an Absentee Shawnee.

Q Was she known as an Absentee Shawnee? A She was never known at all that I know of.

Q Was she ever recognized as a Shawnee? A No, sir.

Q What was her blood, Cherokee or Shawnee? A She was a Shawnee.

Q How long did you know her before she died? A I knowed her fifteen or sixteen years.

Q Did she ever claim to be anything but an Absentee Shawnee?

A No, sir.

Q Did she ever claim to be a Shawnee citizen of the Cherokee Nation? A No, sir.

Q You state she was included in the petition made by Tom Ellis to have himself and family re-admitted? A Her name was included in with that. It just stated the children's mother's name. That is all I remember about her name being in the petition.

Q Did you ever hear her say who was the father of that boy?

A No, sir.

Q Did you ever hear Lewis Tyner say he was the father or not?

A No, sir.

Q After this applicant left his father, Tom Ellis, he went to live with Lewis Tyner? A Yes, sir.

Q Did Lewis Tyner then recognize him as his son? A No, sir.

Q What kin are you to Lewis Tyner? A He is my father.

Q Do you know any thing more as to this boy's father than that he was denied by Tom Ellis after Tom Ellis came to this country and Tom Ellis claimed that Lewis Tyner was his father? A I don't know why he claimed it; that is all I know about it.

Q It is a fact, though, that Tom Ellis, after he moved here from Oklahoma, did deny that this boy was his son? A Yes, sir.

Q And you state that you never heard the boy's mother express herself on the subject? A No, sir.

- Q And never heard Lewis Tyner say anything about it? A No, sir.
Q Was Tom Ellis' first wife living when this boy was born? A No, sir.
Q She had died before he was born? A Yes, sir, she had died.
Q Had this boy's mother ever been married to Lewis Tyner? A No, sir.

By A. H. Norwood:

- Q Was Tom Ellis and this boy's mother living together when this boy was born? A Well, I don't know just when he was born. I know they was living together though, before they came to this country, and after they came to this country was when she died.
Q Do you know how old the boy was the first time you ever knew him down in Oklahoma? A I don't know just exactly how old he was, but he was small.
Q Well, to the best of your judgment, about how old was he?
A Two or three years old I suppose, something along there.
Q Is he the oldest of that set of children? A Yes, sir, he is the oldest.
Q Did you ever hear Tom Ellis say, or state, that this was not his child? A No, sir, I never heard him say so.
Q What you know was just rumor? A Yes, sir.
Q You never knew Tom Ellis to ~~state~~ deny him? A I never heard him say so himself. It was just talk.
Q You never heard Tom Ellis say that this was not his child?
A No, sir.

By W. W. Hastings:

- Q How far did you live from Tom Ellis when this boy first left his home after they moved from Oklahoma? A About two miles.

JAMES LEWIS, a witness, personally appearing, and being first duly sworn, testified as follows:

Simon R. Walkingstick, Interpreter:

- Q What is your name? A James Lewis.
Q How old are you? A About fifty.
Q What is your post office address? A Turley.
Q Are you an applicant for enrollment by this Commission as a Cherokee? A Yes, sir.

By W. W. Hastings:

- Q Did you marry Sarah Ellis? A Yes, sir.
Q Do you know the applicant here, Daniel W. Tyner? A Yes, sir.
Q How long have you known him? A Ever since he was a small boy.
Q You did know know him then when he was born? A No, sir, I was not present when he was born.
Q How long have you known your wife? A I have known her after we were grown.
Q Well, have you known your wife longer than you have known the applicant? A Yes, sir.
Q With whom was your wife living when you first knew her? A She was living with the father of Tom Ellis.
Q Well, then, Tyner was not living with Tom Ellis when you first knew your wife.

A Yes, sir, I think the boy was living there at that time.
Q Well, you have just stated that you knew your wife longer than you did the boy? A Yes, sir, the boy was living when I first became acquainted with my wife.
Q Well, where was he living? A In Oklahoma.
Q How far from Tom Ellis's was the boy living at that time?
A I suppose he was living at Tom Ellis's. I wouldn't be sure, I didn't pay much attention to the children.
Q Did you know your wife's mother? A No, sir.
Q Was she dead when you became acquainted with your wife? A Yes, sir.
Q Did you know applicant's mother? A Yes, sir.
Q Where was she living when you got acquainted with him? A She was living with Tom Ellis; with her husband, Tom Ellis.
Q You say the applicant was born when you first knew them? A Yes, sir, she was living.
Q About how old was the boy when you first knew him? A I couldn't say. He must have been one year old, though.
Q Did you ever hear Tom Ellis dispute the parentage of this boy?
A No, sir. All I know is I always understood that he was the father of the boy.
Q Well, do you know whether or not Tom Ellis ever denied that?
A No, I never did hear that.
Q Did you never hear that in the neighborhood of Turley? A No, sir, never heard that.
Q Have you never heard it up to this day? A No, sir.
Q Do you mean to say that you married this boy's half sister?
A Yes, sir.
Q Did you come to the country from Oklahoma with this family?
A Yes, sir.
Q How long did this applicant live with his alleged father after they came from Oklahoma? A I couldn't say, but he must have lived with them about three or four years.
Q Where did he go to from Tom Ellis' place? A He just lived around in the neighborhood.
Q Do you not know that he went to Lewis Tyner's? A Yes, sir, I suppose he went there---he has been living there for some time.
Q Well, this boy goes by the name of Daniel W. Tyner, don't he?
A Yes, sir, that is the name and I suppose he got that name from Tyner's.
Q Well, how long has he borne that name? A I don't know.
Q Well, did he have it when you first knew him in Oklahoma? A No, sir, his name was Ellis in Oklahoma.
Q Well, when did he change his name from Ellis? (No response).
Q When did he change his name from Ellis to Tyner? A I could not say.
Q Well, was it about the time the boy left Tom Ellis and went over to Tyner's? A Yes, sir, along about that time, I guess.
Q How do you mean to say that you have lived there in the neighborhood that you were living in when the boy left, and that he afterwards made his home in the neighborhood and afterwards at Tyner's and still you never heard the parentage of this boy disputed or talked about? A Yes, sir, that is what I say. I never heard his parentage denied.
Q Well, did you ever hear that Lewis Tyner was his father?
A No, sir.
Q You never heard it around in the neighborhood up there that Tom Ellis disputed he was the father? A No, sir.

By A. H. Norwood:

Q You say you knew this boy when he was about one year old?

A Yes, sir.

Q Tom Ellis and his (applicant's) mother were living together then as man and wife, were they? A Yes, sir.

Q And then they lived from that time until she died as man and wife? A Yes, sir.

Q And she died up in this country? A Yes, sir.

APPLICANT RECALLED:

BY THE COMMISSION:

Q Why did you leave your father's house and go to live with Lewis Tyner? A I just got up and left him.

Q Did you have any disagreement with Tom Ellis? A No.

Q Never had any quarrel with him or any hard words? A No.

Q Did Tom Ellis ever tell you that he was not your father? A No, never did tell me so.

Q Did you ever hear that Tom Ellis was not your father---did any one ever tell you so? A No, sir.

Q Did Lewis Tyner ever tell you that he was your father? A No, sir.

Q Have you ever heard that Lewis Tyner was your father; did you ever hear any rumor to that effect? A No, sir.

Q Do I understand you to say that you left Tom Ellis' home of your own free will and without any unpleasantness between you and him? A Yes, sir, of my own free will.

By W. W. Hastings:

Q You have never heard the fact that Tom Ellis was your father disputed in the neighborhood up there, have you? A No, I have not heard that.

Q Were you grown when you left Tom Ellis's? A No, I was not grown, but thought I was big enough to make a living.

Q And you went over to Lewis Tyner's? A Yes, sir.

Q And changed your name to Tyner? A Yes, sir.

Q At that time? A Yes, sir.

Q Now do you, under oath, tell this Commission that you, at that time, had never heard that Lewis Tyner was your father? A No, sir.

Q And you never heard it up to this day? A No, sir.

Q You never heard any body, not only Tom Ellis, but nobody, ever say it? A No, sir.

Q You never heard Jim Tyner say it a while ago, did you? A That must have been while I was out.

Q And you had no reason for leaving your father's place and going over to Lewis Tyner's had you? A All the reason I had for leaving home was that my father was poor and not able to clothe the children very well and I was big enough to work, so I went away.

By A. H. Norwood:

Q What did you do when you went to Lewis Tyner's, lay around or work? A Went to work for Lewis Tyner.

Q Hired to him? A Yes, sir.

Q Did Tyner pay you wages? A Yes, sir.

Q Did you stay at Lewis Tyner's place for a year or two? A I did not stay with Lewis Tyner very long. I worked for Lewis Tyner the first one after I left home.

Q Went there to work and got your pay, did you? A Yes, sir.

JAMES S. TYNER, witness, recalled:

BY THE COMMISSION:

Q Were you enrolled by this Commission as a citizen by blood of the Cherokee Nation? A Yes, sir.

Q Is your father a Cherokee? A Yes, sir.

Q Is his name on the 1880 roll? A I think it is.

Q Is your name on the 1880 roll? A Yes, sir. Lewis Tyner was admitted by the National Council in 1881 I think, and put on the 1880 roll.

Q Did your father have any initials? A Yes, sir.

Q What were his initials? A L. C. Tyner.

Q Who was Sarah Tyner? A That was my sister.

Lewis Tyner identified upon the 1880 authenticated roll of citizens of the Cherokee Nation, #2958, Coowescoowee District, as L. C. Tyner, native Cherokee, forty-two years old.

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the above and foregoing testimony, and that the same is a true and accurate transcript of my stenographic notes thereof.

George R. Smith

Subscribed and sworn to before me this the 15 day of October, 1903.

J. Ross
Notary Public.

Senate Bill No. 23.

An Act re-admitting the following named persons to citizenship into the Cherokee Nation:

Be it Enacted by the National Council,

That the following named persons, to-wit: Thomas Ellis, Sarah Ellis now the wife of James Lewis, a Cherokee, age 28 years; Edward Ellis, age 26 years; Eli Ellis, age 24 years; Debby Ellis, age 17 years; Lucy Ellis, age 9 years; Isaac Ellis, age 7 years; William Ellis, age 5 years; Sarah Ellis now the wife of James Lewis, living at Shawnee Town is the mother of three children to-wit: Anna Lewis, age 9 years, Jackson Lewis, age 4 years, Billy Lewis, age 2 years. Edward Ellis, named above, whose wife is a Creek Indian, named Lucy, now residing at Shawnee Town, has three children, to-wit: Colbert Ellis, age 7 years; Lizzie Ellis, age 5 years, Nellie Ellis, age 2 years. Eli Ellis named above is the husband of Cah-e-tha, a Shawnee, has five children to-wit: Julia Ellis, age 4 years, Nancy Ellis, age 4 years, Robert Ellis, age 2 years, Fannie Ellis, age 1 year, James Ellis, age 7 mo's. The mother of the two children, last mentioned, is the second wife of Eli Ellis named Betsy a Shawnee Indian, and Austin Sampson, age 13 years, Lizzie Sampson, age 9 years, John Sampson, age 2 years, Thomas Sampson, age 3 months, are the children of James Sampson, "deceased" who was a Cherokee, he, and they are hereby re-admitted to all the rights and privileges of citizenship into the Cherokee Nation.

Be it further Enacted, That the above named persons shall remove within the Cherokee Nation and locate and report to the Principal Chief within twelve months from the passage of this act, otherwise they shall forfeit their citizenship in the Cherokee Nation.

Passed the Senate Nov. 24, 1888.

M. Daniel,
Clk Senate.

Lacey Hawking,
President of Senate.

Concurred in by the house Nov. 27th, 1888.


R. B. Choate,
Clerk of Council.

Robert Meigs,
Speaker Council.

Approved Nov. 28, 1888.

J. B. Hayes,
Prin. Chief.

I hereby certify that the above and foregoing is a true and correct copy of an act of the Cherokee National Council, as appears from the records of the Cherokee Nation, and that I am the custodian of said records, which are now in my possession.


J. B. Hayes,
Executive Secretary,
Cherokee Nation.

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

In the matter of the application for the enrollment of Daniel W. Tyner as a citizen by blood of the Cherokee Nation.

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

The record in this case shows that on October 11, 1900, Susan Tyner appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment, among others, of her husband, Daniel W. Tyner, as a citizen by blood of the Cherokee Nation. The other parties to the application having been differently classified are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, March 8, 1902, and at Tahlequah, Indian Territory, October 7, 1903.

The evidence shows that the applicant, Daniel W. Tyner, is a son of Tom Ellis, a Cherokee by blood, and Na-quas-ta, a Shawnee Indian, both deceased, who lived together as husband and wife for more than 15 years.

The evidence further shows that on November 28, 1888, the said Tom Ellis was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation and that he was residing therein at the time of his said admission. It further appears that the applicant, Daniel W. Tyner, was a minor and living with his father at the time of the latter's admission to citizenship as above stated.

Daniel W. Tyner is identified on the 1894 Cherokee strip payment roll.

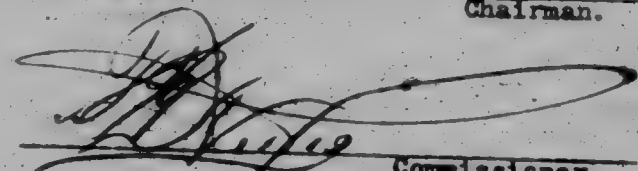
The evidence further shows that said Daniel W. Tyner has resided in the Cherokee Nation continuously since the date of his father's admission to citizenship.

It is, therefore, the opinion of this Commission that Daniel W. Tyner should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

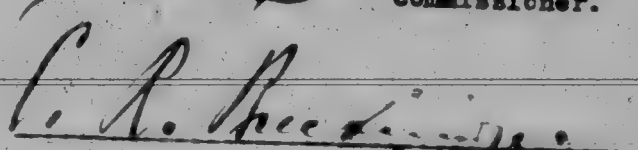
COMMISSION TO THE FIVE CIVILIZED TRIBES.



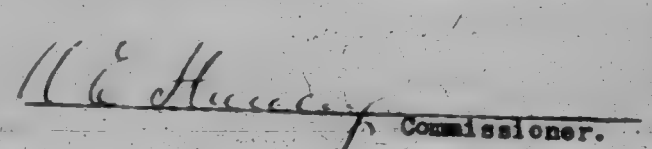
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,
this JAN 6 1894

10564

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 21 1902

[Handwritten signature]

COMMISSIONERS.
HENRY L. DAVIS,
TANS WILBY,
THOMAS B. NEEDLE,
C. R. BRACKINRIDGE.

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

ALLISON L. AYLESWORTH
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Mrs. SUSAN TYNER,

Turley, Indian Territory,

Madam:-

You are hereby notified that the application of Daniel W. Tyner

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on 1st day of March, 1902,

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee-544
Register

Acting Chairman

Commissioner in Charge.

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Muskogee, Indian Territory, July 28th 1902.

In the matter of the application of Daniel W. Fyner for the enrollment of himself as a citizen by blood of the Cherokee Nation.

: Notice,:

To Daniel W. Fyner,

Warley, Indian Territory.

You are hereby notified to appear before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, within fifteen days from date hereof, and introduce by competent witnesses evidence proving your identity under your present name, also under the name of Ellis by which you were formerly known.

You are also required to prove that you were re-admitted to citizenship in the Cherokee Nation.

Commission to the Five Civilized Tribes.

BY _____
Special Agent in Charge.

Register.

(COPY)

Cherokee D-564

Muskogee, Indian Territory, July 26, 1902.

W. A. Brigham,

Collinsville, I.T.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 22nd, enclosing the affidavits signed by William S. Tidlow and James Walker, to be filed with the record in the matter of the application of Daniel W. Tyner, for the enrollment of himself as a citizen of the Cherokee Nation. These affidavits will be filed but as they are insufficient it will be necessary that the witnesses appear in person before the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, within fifteen days from date hereof.

Yours truly,

Commissioner in Charge.

Register.

(COPY)

Cherokee D 564.

Tahlequah, Indian Territory, November 25, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith, for your consideration and further action, the original record, with decision therein prepared at this office and signed by me, in the matter of the application for the enrollment of Daniel W. Tyner as a citizen by blood of the Cherokee Nation, Cherokee D 564.

The original card in this case is at the General Offices at Muskogee.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

BN.
Enc. 10.

Cherokee D-564.

Muskogee, Indian Territory, January 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Susan Tyner for the enrollment of her husband, Daniel W. Tyner as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. D-23.

Chairman.

Cherokee D-564.

Muskogee, Indian Territory, January 25, 1904.

Susan Tyner,

Turley, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting your application for the enrollment of your husband, Daniel W. Tyner, as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Very truly,
Yours,

Enc. 1-6.

Cherokee D-564.

Muskogee, Indian Territory, January 25, 1904.

A. H. Herwood,

Attorney for Daniel W. Tyner,

Dewey, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Susan Tyner for the enrollment of her husband, Daniel W. Tyner, as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-6.

Cher 10372

William Blevins

Trans. from D341

Cher 10372

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 18, 1900.

In the matter of the application of Leroy Cicere Blevins for the enrollment of himself and children as Cherokees by blood, and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Leroy Cicere Blevins.
Q How old are you? A 39.
Q What is your post office address? A Zenia.
Q What is your district? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What degree of blood do you claim? A About 1/32.
Q What is the name of your father? A Will Blevins.
Q Is he living? A I don't know whether he is or not, he went off in the war and I don't know anything about him.
Q What is the name of your mother? A Mary.
Q She living? A No sir, she is dead.
Q What is the name of your wife? A Callie.
Q She is a citizen by blood? A Yes sir No sir a white woman.
Q When did you marry her? A I married her in 1890.
Q What was her name before you married her? A Vickery.
Q Have you got any certificate of marriage? A Yes sir, I have.
I had a certificate here today that the preacher wrote and he gave it to the Clerk to record, it is on the record, but the clerk's name isn't on it.
Q Why didn't he give you the certificate, that is all you want, signed by him? A I had that here today and Jeff McGee has got it now.
Q Your wife's father and mother are white people, non citizens?
A Yes sir.
Q What are the names of your children? A John Thomas Blevins, 20 years old.
Q What is the name of the next one? A Walter Lee Blevins, 13 years old.
Q What is the name of the next one? A William Blevins, 10 years old.
Q What is the name of the next one? A Apsia Blevins, she is 7 years old.
Q What is the name of the next one? A Edna, she is 5 years old.
Q The name of the next one, A That is all.
Q These children alive and living with you? A Yes sir, three of them is living with me, they are all alive.
Q They are all living in the Territory? A Yes sir.
Q Are you living with your wife now? A Yes sir.
Q You have lived with her since you married her? A Yes sir.
Q Is you were married to her in 1890, did you have another wife?
A Yes sir, Louisa.
Q Is she upon the authenticated roll of 1880? A I think so.
Q Was she a white person? A Yes sir.
Q She dead? A No sir.
Q Have you parted from her? A She left me and went off with another man, I don't know anything about her.
Q Did she ever get a divorce from you? A Yes sir.
Q Did you get a divorce before you married this other woman?
A Yes sir.
Mr. W. T. Hutchings, attorney for Cherokee Nation: What Court did you get a divorce in? A In the Cherokee Court.
Q You don't know where she lives now? A No sir.
Q Do you know whether she lives in the Nation or not? A I don't know where she lives.
Q She abandoned you and went off with another man? A Yes sir.

Q You say you have got a divorce? A I sued for a divorce and she never appeared against me and I was sick and couldn't go and my lawyer said that he thought the divorce was granted through default. (on 1880 roll, page 219, No. 94, Leroy Blevins, Delaware District. Louisa Blevins on 1880 roll, page 219, No. 93, Louisa Blevins, Delaware district. Leroy C. Blevins on 1896 roll, page 434, No. 113, Leroy Blevins, Delaware district. Callie Blevins on 1896 roll, page 566, No. 50, Callie Blevins, Delaware district. John Thomas Blevins on 1896 roll, page 434, No. 114, John T. Blevins, Delaware district. Walter Lee Blevins on 1896 roll, page 434, No. 116, Walter L. Blevins Delaware district. William Blevins on 1896 roll, page 434, No. 117, Willie Blevins, Delaware district. Apsie Blevins on 1896 roll, page 434, No. 118, Apsie Blevins, Delaware district. Edna Blevins on 1896 roll, page 434, No. 119, Edna Blevins, Delaware district.)
Q I believe you stated that these children are all alive and living in the Territory? A Yes sir.

The name of Leroy C. Blevins appears upon the authenticated roll of 1880 as Leroy Blevins and upon the census roll of 1896. He avers that he was married to one Callie Vickery in the year 1890, but presents no proof or certificate of marriage. He also avers that his first wife was named Louisa, and her name appears upon the authenticated roll of 1880. He avers that he has two children by said Louisa, John T. and Walter L., whose names appear upon the census roll of 1896 and are duly identified as the children of the said Louisa; consequently, the said Leroy C. Blevins and his two children, John T. and Walter L., will be duly listed for enrollment by this Commission as Cherokee citizens by blood.

As stated, he presents no certificate of marriage to his wife, Callie, and the testimony shows that his first wife, Louis, is still living, though he has parted from her, but no proof of divorce is presented. Consequently, the said Callie, his present wife, and his three children, William, Apsie and Edna, by her, will be placed upon a doubtful card, and final decision as to their enrollment will be suspended awaiting proof of marriage and a certified copy of the divorce between him and his former wife, Louisa.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones,

Sworn to and subscribed before me this the 19th of September, 1900.

T. B. Needles,

Commissioner.

2341

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 18 1900

[Signature]
ACTING COMMISSIONER

101
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103

CHEROKEES BY BLOOD AND ADOPTION.

SEP 18 1900

Date Sept 18 1900 1900

Name Jena J.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License Callie Blains Certificate _____

Wife's name Callie Blains

District DELAWARE Year 1896 Page 566 No. 50

Citizen by blood yes Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children;

<u>William-Blains</u>	Dist. <u>DELAWARE.</u>	Year <u>1896</u>	Page <u>434</u>	No. <u>117</u>	Age <u>10</u>
<u>Apsie</u>	Dist. <u>DELAWARE.</u>	Year <u>1896</u>	Page <u>434</u>	No. <u>118</u>	Age <u>7</u>
<u>Jena</u>	Dist. <u>DELAWARE.</u>	Year <u>1896</u>	Page <u>434</u>	No. <u>119</u>	Age <u>5</u>
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
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_____	Dist. _____	Year _____	Page _____	No. _____	Age _____

ser. names of
 1 Jena and in 1896, as "Blains"
 2 in 1896 called Willie Blains
 3 "Apsie" Apsie Blains
Bestified copy of the divorce between Jerry C
Blains and his first wife Louisa - to be
supplied -
 4 in 1896 called Eena Blains

XD341

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskeges, I. T., February 25, 1902.

In the matter of the application of Sallie Hlevins for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 6th that her case would be taken up by the Commission for final consideration on the 25th day of February, 1902, and that she could on said day appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application. She was especially requested to supply the Commission with a certified copy of the decree of divorce between her husband and his former wife, Louisa. Also evidence of her marriage to her husband, Leroy O. Hlevins. The applicant has been called three times and fails to respond. The case is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

T. B. Huddle,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I. T., July 18, 1903.

In the matter of the application of Leroy C. Blevins for the enrollment of himself and his children, John T. and Walter L. Blevins, as citizens by blood of the Cherokee Nation.

'SUPPLEMENTAL TESTIMONY..

LEROY C. BLEVINS, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Leroy C. Blevins.
Q How old are you? A 43 years old the 12th day of last April.
Q What is your post office address? A Grove, I. T.
Q Have you heretofore made application to this Commission to be enrolled as a citizen by blood of the Cherokee Nation?
A Yes sir.
Q Is your wife's name Louisa Blevins? A No sir, Callie.
Q Have you two sons named John T. and Walter L.? A Yes sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Lived here all your life? A Yes sir.
Q Ever lived out of the Nation for any length of time, A
A No sir.
Q Are these two children, John T. and Walter L., living with you?
A John T. is; Walter L. isn't.
Q Have both of them lived all their lives in the Cherokee Nation?
A Yes sir.
Q Neither of them ever lived out, A No sir.
Q You also got a son named William? A Yes sir.
Q And two daughters named Apsia and Edna? A Yes sir.
Q Are they living now? A Yes sir.
Q Are you and your wife Callie living together at this time?
A Yes sir.
Q The mother of John T. and Walter L. is a different woman from the mother of these three youngest children? A Yes sir.
Q Her name was Louisa? A Yes sir.
Q Is she living now? A I suppose so; I have not seen her for some time; don't know whether she is living or not.
Q Is she a citizen of the Cherokee Nation? A No sir.
Q Was she your first wife? A Yes sir.
Q Were you ever divorced from her? A I sued for a divorce in the Cherokee Court and at the time the divorce should have been granted, I was sick and could not go. I wrote to my lawyer to attend to the case and I was talking to him sometime afterward, eight or nine years, and he said it was so long he had forgotten, but the divorce should have been granted through default.
Q Was any divorce ever actually granted you from your wife Louisa so far as you know? A Not so far as I know there was not.
Q Did you ever make an effort to find a record of that divorce?
A Yes sir, I written here to Cunningham to search the records and he said he could not find it.
Q He sent you a certificate that the divorce was not of record, didn't he? A Yes sir.
Q And you filed it with the Commission? A Yes sir.
Q Was that the only steps you ever took to get a divorce from Louisa? A Yes sir, I sued in the Cherokee Court.
Q In what year was it you applied for that divorce? A Well, I don't just recollect now what year it was; it was in '06, I believe.

- Q In what court? A Cherokee Court.
Q What Cherokee Court? A Delaware Court.
Q Delaware District Court? A Yes sir.
Q And your statement is that when your case came on for final hearing you were sick and unable to be present and you do not know what disposition was made of your application for divorce?
A No sir.
Q Did you sue her or did she sue you? A I sued her; she agreed not to appear agin me and she didn't appear.
Q When did you marry your present wife Callie? A I married her in '90 or '91.
Q Was that before or after you applied for a divorce?
A I applied for divorce before I married.
Q Was the time you speak of, when the case came on for final hearing and you were not present, before or after you married your present wife Callie? A It was before.
Q Have you a certificate showing your marriage to Callie Blevins?
A Yes sir, this Commission's got it.
Q Did you file that with the Commission when you first made application to be enrolled? A Yes sir, I give my certificate to Neeldee.
Q Who married you? A A man by the name of Preacher Thompson.
Q And you and your present wife Callie have lived together continuously ever since your marriage? A Yes sir.
Q Living together now? A Living together now.
Q Her residence has been the same as yours ever since you were married? A Yes sir.
Q These three children, Apsia, Willian and Edna, they have lived all their lives in the Cherokee Nation? A Yes sir.
Q Living here now, are they? A Yes sir.

Mabel F. Maxwell, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell.

Subscribed and sworn to before me this 20th day of July, 1903.

John O. Rosson,

(Seal)

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., August 31, 1903.
MFM
Wm. Hutchinsen, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing testimony and proceedings, and that same is a true copy thereof, containing five pages.

Wm. Hutchinsen

Subscribed and sworn to before me this 31st day of August, 1903.

Charles H. Sawyer
Notary Public.

Cher 10373

Charles H. Payne

Trans. from D1369

Cher 10373

CONFIDENTIAL

SECRET

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Department of the Interior,
Commission to the Five Civilized Tribes,
Mx. Claremore, I.T., June 24, 1902.

In the matter of the application of C.V. Rogers for the enrollment of CHARLES H. PAYNE, and his two children as citizens by blood and his wife, as a citizen by intermarriage, of the Cherokee Nation; said Rogers being sworn and examined and testified as follows:

BY COMMISSION:

- Q What is your name? A C. V. Rogers.
- Q How old are you? A 43.
- Q What is your post-office? A Claremore, I. T.
- Q In what district do you live? A Cooweescoowee.
- Q You are a recognized citizen by blood of the Cherokee Nation? A Yes sir.
- Q You apply for the enrollment of Charles Payne, his wife and two children? A Yes sir.
- Q How old is Charles Payne? A 27 I think.
- Q What is his post-office address? A Joplin, Missouri, now; he is up there working.
- Q Does he claim Cooweescoowee District as his home? A Yes, this is his home; he has got a place here.
- Q What is the name of his wife? A Katy.
- Q How old is she? A 23 I think.
- Q What is the name of his eldest child? A Floy G., about 6 years old.
- Q Do you know the name of the next child? A No I don't.
- Q About how old do you think it is? A I expect it is about 4 years old, somewhere about there.
- Q What is the name of Charles Payne's father? A Tom Payne.
- Q He has been dead about 16 years? A Yes.
- Q He was a white man? A Yes sir.
- Q He always lived in Cooweescoowee District since his marriage to his Cherokee wife? A Yes sir.
- Q What is the name of Charles Payne's mother? A Cherokee, we always called her Chick.
- Q She was a Cherokee by blood? A Yes sir, nearly a full blood.
- Q She has been dead a good while? A Yes sir, about 10 years.
- Q She was living with Tom Payne and living in Cooweescoowee District in 1890? A Yes sir.
- Q Charles Payne has a brother named A.J. Lane Payne? A Yes sir.
- Q How long has Charles Payne been living out of the Cherokee Nation? A He has been backwards and forwards; but he has been working up there about a year and a half, best of my knowledge.
- Q For that length of time he has had his wife and children there with him? A Yes sir.
- Q Do you know if he is keeping house up there? A I don't know.
- Q Did he take his household effects away with him? A I can't say whether he taken all of them or not; he has got some things up here on his farm and he has got farm utensils; he has got it rented out.
- Q Do you know whether he has ever voted up there, exercised the right of suffrage in Missouri? A No sir, I don't.
- Q Do you know anything about Katy Payne's father? A No sir.
- Q Do you know anything about Katy Payne's mother? A No sir.
- Q They were both white people? A Yes. I don't know their names.
- Q When was Katy Payne married to Charles Payne? A I expect it has been seven or eight years ago.
- Q Do you know whether or not they married before 1895? A I don't know; it was somewhere about that time I guess.
- Q You know whether or not there is any record of their marriage? A No, I don't.

Q So far as you know, have they been living together continuously ever since they were first married? A Yes sir.

Q Was Charles Payne ever out of the Cherokee Nation before he removed to Joplin, something like a year and a half ago? A No sir; I don't think he was ever out before, only to go to Fort Smith or Coffeyville or somewhere for a few days.

1880 authenticated roll of citizens of the Cherokee Nation examined for Charles Payne and identified on page 155 No. 2112, as Charles H. Payne, Coowescoowa District native Cherokee, aged 5 years.

Q Is that man's full name Charles H. Payne? A Yes sir.

1886 census roll of citizens of the Cherokee Nation examined for Charles H. Payne, wife Katy, and child Floy G. and found on page 232 No. 5753, Charles Payne, Coowescoowa District, aged 21 years; page 219 No. 5621, Katy Payne, Coowescoowa District, aged 22 years, intermarried white; page 232 No. 5759, Floy G. Payne, Coowescoowa District, aged eight months.

Q To the best of your knowledge, this Charles H. Payne, his wife and two children are living now and living together in Joplin, Missouri? A Yes sir.

Q What degree of Cherokee blood has Charles Payne? A One sixteenth I guess.

Charles H. Payne, his wife and two children will be interviewed for enrollment upon a doubtful card, awaiting further testimony as to their residence, and birth affidavits as to the youngest child.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he carefully reviewed the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this 22 day of July, 1905.

J. H. [Signature]
Notary Public

4 - D - 4 CHEROKEES BY BLOOD AND ADOPTION.

Date June 24, 1902. 1900.

27 Name Charles H. Payne, Joplin, Mo.

District Coo. Year 1880 Page 155 No. 2213

Citizen by blood 1/16 Mother's citizenship { Tom Payne H - d Cherokee Payne C - d

Intermarried citizen

Married under what law Date of marriage

License Certificate

28 Wife's name Katy Payne

District Coo. Year 1896 Page 319 No. 303

Citizen by blood - - - Mother's citizenship { - - - H -

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children:

Floy G. Payne Dist. Coo. Year 1896 Page 232 No. 3759 Age 6

(Child) Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

D O U B T F U L

Dist. Year Page No. Age

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#1 on 1896 Roll p. 232 # 3758, as Charles Payne, Coo. Dist.

Proof of marriage between # 1 & 2 to be supplied.

Affidavit of birth to be supplied as to #1

App'n made by C. V. Rogers, Claremore, I.T.

Department of the Interior
Commission to the
Five Civilized Tribes.

F I L E D

Jul 2 1902

Tamb Bixby
Acting Chairman.

(COPY)

Residence Cooweescoowee District.

Card No. _____

CHEROKEE NATION. CHEROKEE ROLL.

Post Office Joplin, Mo.

Field No. 4 - D - 4

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	Page.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
1	Payne, Charles H.		27	M	1/16	1880	Co.	2213	Tom Payne	Dead	Co.	Cherokee Payne	Dead	Co.
2	" Katy	Wife	28	F	I.W.	1896	"	803			Non citz.			non citz
3	" Floy G.	Son	6	M	1/32	"	"	3759	No.1			No.2		
4	" (child)		4		1/32									
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DOUBTFUL

#1 on 1896 Roll p 232 #3759 as Charles Payne, Co. Dist.
 Proof of marriage between #1 & 2 to be supplied.
 Affidavit of birth to be supplied as to #4
 App'n made by C. V. Rogers, Claremore, I.T.

June 24, '02.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I. T., September 15, 1903.

In the matter of the application of CHARLES H. PAYNE for the enrollment of himself and his minor children, FLOY G. and LOLA MYRTLE PAYNE, as citizens by blood, and for the enrollment of his wife, KATIE PAYNE, as a citizen by intermarriage of the Cherokee Nation.

KATIE PAYNE, personally appearing, and being first duly sworn, and examined, testified as follows:

- Q What is your name? A Katie Payne.
Q How old are you? A 29.
Q What is your post office address? A Claremore.
Q Mrs. Payne, do you claim to be a citizen by intermarriage of the Cherokee Nation? A Yes, sir.
Q Your husband's name was Charles H. Payne? A Charles Henry Payne, yes, sir, but he always signed his name Charles H.
Q You have a child named Floy G.? A Floy Gertrude.
Q That child a girl? A Yes, sir. (Lola)
Q Did you have a child younger than Floy? A Myrtle, just eighteen months younger.
Q What was your father's name? A Tarleton Cook.
Q Is he living or dead? A He is dead.
Q He was a non-citizen was he? A Yes, sir.
Q What was your mother's name? A Martha E. Cook.
Q Is she living or dead? A She is living.
Q She is a non-citizen also, is she? A Yes, sir.
Q Your husband, Charles H. Payne, was a Cherokee by blood, was he?
A Yes, sir.
Q When were you and he married? A February 9, 1895.
(Applicant presented original certificate showing the marriage on February 9, 1895, between Charles H. Payne and Miss Katie Cook).
Q How long had you known your husband, prior to your marriage to him? A Why, it was a year maybe—we were engaged eleven months.
Q Where was he living when you first met him? A He was living on the Verdigris River north of Claremore.
Q That was in the Cherokee Nation? A Yes, sir.
Q He was living there when you and he were married? A Yes, sir.
Q How long did you and he continue to live there after your marriage? A Well, we lived back and forth. We moved about once a year. We kept moving back and forth for several years.
Q How long did you continue to live in the Cherokee Nation?
A Well, we lived in the Cherokee Nation until about three years ago. We went up there to Joplin, but we didn't move.
Q That was in 1900? A I guess it was.
Q Do you remember what month it was? A In February, I think. The 28th, it was, three years ago last February.
Q How long did you stay there? A Well, we have been there off and on ever since, and when he died I came back.
Q He stayed in Joplin then before he died working in the mines?
A Yes, sir.
Q You took your children with you when you went to Joplin, did you?
A Yes, sir, that is, we took the little baby, the one that died.
Q Did you keep house in Joplin? A Lived with my mother.
Q You were merely boarding there then? A Yes, sir.
Q How often did you return to the Cherokee Nation? A I was back only two times.
Q Did your husband come back with you? A No, he did not come back he stayed and worked in the mines.

Q From the time he left here in 1900 until his death he never returned to the Cherokee Nation? A He came to Tahlequah two years ago last Christmas. He came to enroll, but the office was closed for the holiday.

Q That was the only time he was back to the Nation after he left in 1900? A Yes, sir.

Q How long did he stay here then? A Just a few days.

Q After your husband died, how long was it before you returned to the Cherokee Nation? A Well, I have been back only a little over a month ago. Mr. Rogers wrote for me to come.

Q Did your husband ever vote up in Missouri? A No, sir.

Q Did he pay poll tax up there? A No, sir.

Q Did he hold or own any property in Missouri? A No, sir. We kept thinking we were going to come home all the time, and then he was taken sick.

Q When you left here what property did you own, or your husband own, in the Cherokee Nation? A Well, he just sold the old place, the farm, before we went away. He had bought another one from a white man, that was the intruder place. He bought one of them places, but we never did anything with it, the house is standing by just like it was. We never did anything with it.

Q Did he own any other property here? A No, we sold our house and lot at Oolagah.

Q When you went to Joplin, then, you and your husband, sold all of your property that you owned in the Cherokee Nation? A Yes, sir with the exception of that one place; we thought we would come back soon.

Q The intruder place you speak of, had you bought that before you left here? A Yes, sir.

Q Do you still own that? A Yes, sir.

Q You took all of your household effects with you? A No, sir, he left them with his step-father. We thought we would come back home.

Q Did you ever move your household effects to where you were?

A No, sir.

Q Do you still own them? A Yes, sir.

Q What was the date of your husband's death? A February 15.

Q Last year? A This year, last February.

Q What was the date of the death of your youngest child? A She died on June 19, I believe, 1899; four years ago last June.

Q When you and your husband moved to Joplin, for what purpose did you go there. A Because he could not get any wages down here. His mother and father were both there and he put up a store in Oolagah and when he left to come away, he went up to the mines where he could get \$3.00 per day, and he thought we would stay there until he could make a little, and it was better than he could do down here.

Q Was it your intention to return to the Nation? A Yes, sir, we moved there and never had any other intention. We kept thinking we would come back home, but we had to come back broke.

Q You were just up there working on wages and not keeping house?

A No, sir, we wanted to come back and keep the place.

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, I recorded the above and foregoing testimony and that the same is a true and correct transcript of my stenographic notes thereof.

Subscribed and sworn to before me this September 15, 1903.

Notary Public.

George R. Smith
Samuel Ferguson

(COPY)

Cherokee Nation,

Cooweescoowee District, C. N. To all whom it may concern:-----

This is to certify that I Joe M. La Hay, Clerk of the above named District, did on this 9th day of February, 1895, join in the bonds of matrimony, Chas. H. Payne, a citizen of the Cherokee Nation, and Miss Katy Cook, a citizen of the United States.

Given under my hand and seal on this 9th day of February, 1895.

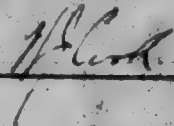
(Signed) Joe M. LaHay,

Clerk of Cooweescoowee District,
C.N.


(S)(E)(A)(L)

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I. T., September 16, 1903.

I, the undersigned, Chief Clerk of the Cherokee Land Office, and custodian of the records of said Office, first being duly sworn, state that the above and foregoing is a true and correct copy of the original now on file in the said Cherokee Land Office.



Subscribed and sworn to before me this the 16 day of September, 1903.



Notary Public.

GRS

IN RE
THE DEATH OF

Lola Myrtle Payne
a citizen of the

Cherokee Nation.

Approved Sept 29 1903

(signed) T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lola Myrtle Payne

(Here insert name of deceased.)

a citizen of the Blood Nation, who formerly resided at or near

Oolacah, Ind. Ter., and died on the 19th day of

(Here insert name of post office.)

June, 1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

_____ District.)

I, _____, on oath state that I am _____

years of age and a citizen, by _____, of the _____ Nation;

that my post office address is _____, Ind. Ter.; that I am

(Here insert name of post office.)

_____ of _____

(Here insert name of deceased.)

who was a citizen, by _____, of the _____ Nation;

and that said _____ died on the _____ day of

(Here insert name of deceased.)

WITNESSES TO SIGN:

(Must be Two.)
Witnesses.)

Subscribed and sworn to before me this _____ day of _____ 1900

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

Northern District.)

I, O. L. Payne, on oath state that I am 26

years of age, and a citizen, by Blood, of the Cherokee Nation;

that my post office address is Claremore, Ind. Ter.;

(Here insert name of post office.)

that I was personally acquainted with Lola Myrtle Payne

(Here insert name of deceased.)

who was a citizen, by Blood, of the Cherokee Nation;

and that said Lola Myrtle Payne died on the 19th day of

(Here insert name of deceased.)

June, 1899

(signed) O. L. Payne

(SEAL) WITNESSES TO SIGN:

(Must be Two.)
Witnesses.)

Subscribed and sworn to before me this 24 day of Sept., 1900

(signed) Joe M. LeHay

Notary Public.

D 1369

32

IN RE
THE DEATH OF

Lola Myrtle Payne
a citizen of the

Chero kee Nation

Approved Sept. 15, 1903

(signed) T. B. Needles
Commissioner

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

FILED

Sep 15 1903

Tams Bixby
Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lola Myrtle Payne
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Claremore, Ind. Ter., and died on the 19th day of
(Here insert name of post office.)
June, 1899.

AFFIDAVIT OF RELATIVE.

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

I, Katy Payne, on oath state that I am 29
 years of age and a citizen, by marriage, of the Cherokee Nation;
 that my post office address is Claremore, Ind. Ter.; that I ~~am~~
(Here insert name of post office.)
was the mother of Lola Myrtle Payne,
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by blood, of the Cherokee Nation;
 and that said Lola Myrtle Payne died on the 19th day of
(Here insert name of deceased.)
June, 1899.

WITNESSES TO SIGN:

(signed) Mrs Katy Payne

(Must be Two Witnesses.)

Subscribed and sworn to before me this 15 day of Sept 1903

(SEAL)

(signed) John O. Reason
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

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

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____ 190_____

Notary Public.

D 1369

IN RE
THE DEATH OF

Charles H. Payne
a citizen of the

Cherokee Nation

Approved Sept 29 1903

(Signed) T. B. Needles
Commissioner

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Charles H. Payne
(Here insert name of decedent.)

a citizen of the Cherokee Nation, who formerly resided at or near
Oolacah, Ind. Ter., and died on the 15th day of
(Here insert name of postoffice.)
Febry, 1903.

AFFIDAVIT OF RELATIVE.

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

I, _____, on oath state that I am _____
years of age and a citizen, by _____, of the _____ Nation;
that my post office address is _____, Ind. Ter.; that I am
(Here insert name of post office.)
_____ of _____,
(State relationship as: the father, an uncle, a cousin, etc.) (Here insert name of decedent.)
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____,
(Here insert name of decedent.)

WITNESSES TO SIGN:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this _____ day of _____ 190_____

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, A. L. Payne, on oath state that I am 26
years of age, and a citizen, by Blood, of the Cherokee Nation;
that my post office address is Claremore Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Charles H. Payne
(Here insert name of decedent.)
who was a citizen, by Blood, of the Cherokee Nation;
and that said Charles H. Payne died on the 15th day of
(Here insert name of decedent.)
Feb, 1903.

WITNESSES TO SIGN:

(Must be Two Witnesses.) { _____

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

(signed) Joe M. LeHay

Notary Public.

My Com Ex 3/9/1905

D-1369

IN RE
THE DEATH OF

Charles H. Payne
a citizen of the

Cherokee Nation.

Approved Sept 15 1903

(signed) T. B. Needles
Commissioner.

Department of the Interior
Commission to
the Five Civilized Tribes.

F I L E D
Sep 15 1903

Tams Bixby
Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Charles H. Payne (Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near

Claremore, Ind. Ter., and died on the 15th day of Feb, 1903.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Katy Payne, on oath state that I am 29 years of age and a citizen, by marriage, of the Cherokee Nation; that my post office address is Claremore, Ind. Ter.; that I am

was the wife of Charles H. Payne (State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)

who was a citizen, by blood, of the Cherokee Nation;

and that said Charles H. Payne died on the 15th day of Feb, 1903.

WITNESSES TO MAKE:

(signed) Mrs Katy Payne

(Must be Two Witnesses.)

Subscribed and sworn to before me this 15th day of Sept 1903

(SEAL)

(signed) John O. Rossom Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, on oath state that I am years of age, and a citizen, by, of the Nation; that my post office address is Ind. Ter.;

that I was personally acquainted with (Here insert name of deceased.)

who was a citizen, by, of the Nation;

and that said (Here insert name of deceased.) died on the day of

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Subscribed and sworn to before me this day of 190

Notary Public.

Cherokee D-1369.

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

In the matter of the application for the enrollment of Charles H. Payne, Floy G. Payne and Lola Myrtle Payne as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on June 24, 1902, C. V. Rogers appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of Charles H. Payne and his two minor children, Floy G. and Lola Myrtle Payne, as citizens by blood of the Cherokee Nation. The application also included Katie Payne as a citizen by intermarriage, but her status as such is not passed upon at this time and she is not considered in this decision. On September 15, 1903, Katie Payne appeared before the Commission at Tahlequah, Indian Territory, and further proceedings were had in the matter of said application.

The evidence shows that Charles H. Payne, a Cherokee citizen by blood, was married to his said wife, Katie, and as a result of said marriage Floy G. and Lola Myrtle Payne were born. The said Charles H. Payne is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896; Floy G. Payne is identified on the Cherokee census roll of 1896. It is further shown that the said Charles H. Payne resided in the Cherokee Nation continuously since his enrollment in 1860 until 1900, at which time he left said nation and engaged in business in the State of Missouri.

The evidence further shows that the principal applicant's absence from the Cherokee Nation was for temporary purposes and that during said absence he owned goods and effects in the Cherokee Nation. It is considered that the residence of Floy G. Payne has been in the Cherokee Nation continuously since birth.

The evidence further shows that Lola Myrtle Payne died on June 19, 1899. An affidavit to that effect is made a part of the record herein.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that Charles H. Payne and Floy G. Payne should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 20, 1902 (30 Stat., 495), and it is so ordered. It is further ordered that the application for the enrollment of Lola Myrtle Payne as a citizen by blood of the Cherokee Nation, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Bixby.

CHAIRMAN.

T. B. Needles.

COMMISSIONER.

C. R. Breckinridge.

COMMISSIONER.

W. E. Stanley.

COMMISSIONER.

Filed at Muskogee, Indian Territory,

JAN 6 1904

W. E. Stanley

(COPY)

PCR

Cherokee D-1369

Muskogee, Indian Territory, October 10th, 1902.

Katy Payne,
Joplin, Missouri.

Dear Madam:

The Act of Congress, approved July 1, 1902, and entitled "An Act to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept. 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an inter-married citizen.

Yours truly,

(signed) T. B. Needles,

Commissioner in Charge.

(MFM)

(Note: - Letter returned unopened)

(COPY)

Cherokee D-1369

Tahlequah, Indian Territory, September 17, 1903.

Katie Payne,

Claremore, Indian Territory.

Dear Madam:

The marriage certificate filed with the Commission showing your marriage on February 9, 1895, to Charles H. Payne, is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Encl-S-120

GRS

(MTK)

(COPY)

BCJ

Cherokee D-1369

Tahlequah, Indian Territory, September 26, 1903.

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

Gentlemen:

I have the honor to transmit herewith the original jacket and record in the matter of the application of Charles H. Payne, et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-1369. A part of the record transmitted is testimony taken September 15, 1903; also unapproved affidavits as to the deaths of Charles H. Payne and Lola Myrtle Payne.

The record in this case now appears to be complete and is transmitted that a decision may be prepared therein.

Respectfully,

(signed) W. J. Cook,

Clerk in Charge
Cherokee Land Office.

Encl-S-159
GRS

(MFM)

Muskogee, Indian Territory, January 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of C. V. Rogers for the enrollment of Charles H. and Floy G. Payne and dismissing the application for the enrollment of Lola Myrtle Payne, she having died on June 19, 1899, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. D-18.

Chairman.

(COPY)

Cherokee D-1369

Muskogee, Indian Territory, January 25, 1904.

C. V. Rogers,

Claremore, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting your application for the enrollment of Charles H. Payne and his minor child, Floy G. Payne, as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of his minor child, Lola Myrtle Payne, she having died on June 19, 1899.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-3

(COPY)

Cher 10374

Levi Stille

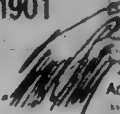
Trans. from D1264

Cher 10374

~~P 60~~
D1264

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES


FILED
JAN 24 1901


ACTING CHAIRMAN

TO THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

RECEIVED JAN 24 1901

THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.


RECEIVED JAN 24 1901

RECEIVED JAN 24 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., August, 31, 1900.

In the matter of the application of ~~Jane~~ Jane Stille for the enrollment of herself and children as citizens of the Cherokee Nation, said Stille being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Jane Stille.
Q Your age? A. 40.
Q What is your post office address? A. Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A. By marriage I am— I am a Cherokee blood woman too.
Q Do you want to enroll this morning? A. Children and myself.
Q You say you are not on the rolls of the Cherokee Nation except by intermarriage? A. That is all I reckon.
Q What was your husband's name? A. Noah Stille.
Q Is he living? A. No sir.
Q What is his father's name? A. Jack Stille.
Q Is he living? A. No sir.
Q What is his mother's name? A. Kate Seabolt.
Q Is she living? A. No sir.
Q Have you any certificate of marriage? A. No sir.
Q When were you married? A. 31 years ago.
Q Have you any children under 21? A. Yes sir.
Q What is the name of the oldest one? A. Levi, 19 years old.
On 1896 roll, page 906, number 1870.
Q The next one? A. Martha, 17 years old.
On 1896 roll, page 906, number 1871.
Q The next child? A. Ida, 15 years old.
On '96 roll, page 906, number 1872.
Q The next child? A. Elias, ten years old.
On '96 roll, page 906, number 1873.
Q Are these children all alive and living with you? A. Yes sir.
Q What was your name before you were married to Noah Stille? A. Goings.

Your application for enrollment as a citizen of the Cherokee Nation will be refused, for the reason that under the Act of Congress approved May, 31, 1900, the Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior.

The Commission will transmit this decision, denying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee Nation are sent to him for consideration and approval; and besides from the records of the Dawes Commission, it appears that you applied for admittance as a Cherokee citizen before said Commission, on the 7th day of September, 1896. Your application was refused and appeal taken to the United States Court, Northern District, and the decision of the Commission was sustained by said Court. Dawes Commission case #4488, Court number 193.

The names of your children for whom you apply, Levi, Martha, Ida and Elias, appear upon the census rolls of 1896, but upon examination of the records it is found that you applied to have said children admitted to citizenship on the 7th day of September, 1896. Your application for the admittance of said children was denied, that you through your attorney took an appeal to the United States Court Northern District, and the judgment of the Court sustaining the decision of the Commission refusing to admit your children to citizenship. This found on the record of the Dawes Commission #4488, and the record of the United States Court as case #193. Therefore the application for the admittance of your said children is refused. The decision of the Court to be final under the law.

Jane Stille 3.

The undersigned being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof

Brown McDonald.

Subscribed and sworn to before me this 7th day of September, 1900, at Muskogee, I. T.

T. B. Needles,
Commissioner.

I, the undersigned as stenographer to the Commission to the Five Civilized Tribes, upon my oath state that the above and foregoing is a full, true and correct copy of the original transcript of the testimony in the matter of the application for the enrollment of Jane Stille et al, said original transcript having been made by Brown McDonald as stenographer.

Chas. W. W. W.

Subscribed and sworn to before me this 25th day of January, 1901

T. B. Needles

Commissioner.

65-
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 21 1900



ACTING CHAIRMAN

~~150~~

D1264

CHEROKEES BY BLOOD AND ADOPTION.

Date AUG 21 1900 1900.

Name Museogee J. F.

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License (40) Certificate _____

Wife's name Jane Still

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship

Intermarried citizen yes

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Names of Children:	Dist.	Year	Page	No.	Age
2 Levi Still	Illinois	1896	906	1870	19
4 Martha "	"	"	906	1871	17
4 Ida B "	"	"	906	1872	13
5 Elias "	"	"	906	1873	10
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age
_____	Dist.	Year	Page	No.	Age

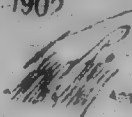
4 on 1896 roll as Ida Still

TR 80

6 D1264

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 6 1902


ACTING CHAIRMAN

RECEIVED

RECEIVED

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., January 6, 1908.

In the matter of the application of Jane Stille for the enrollment of herself and children as citizens of the Cherokee Nation.

Upon a review of the testimony had in the matter of the application of the said Jane Stille et al, it is found that they were placed on a Cherokee memorandum by reason of the fact that they were rejected by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, and that the decision of the Commission was sustained when an appeal was taken to the United States Court for the Northern District of Indian Territory. The judgment of the United States Court in this case reads as follows:

"From this report (master's report) it appears that the applicants based their right to be enrolled as citizens of the Cherokee Nation upon the statement that Jane Still, the principal claimant, is the daughter of Martin and Amanda Goings, who it is claimed were Cherokee Indians by blood and alleged to have been citizens of the Cherokee Nation; but the proof is insufficient to establish the contention of the claimants that they are of Cherokee Indian blood, and that any of their ancestors were ever enrolled as citizens of the Cherokee Nation either before or after the removal of said Nation west to its present location."

"The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants to be enrolled as citizens of the Cherokee Nation is denied."

It would appear from the foregoing judgment that this application made in 1896 was based upon the Cherokee blood of the mother, Jane Stille, and all were denied because it was not shown that she was a Cherokee by blood. The present application appears to be based, so far as the applicant is concerned, on intermarriage and not as a citizen by blood, as was claimed in 1896.

Upon a review of the testimony had in the matter of this application it appears that the applicant stated that her husband was Noah Stille, a Cherokee Indian, and that his father was Jack Stille, also a Cherokee Indian. An examination of the 1890 roll discloses the fact that Noah Stille is identified thereon as follows: (1890 roll, page 584, No. 1778, a Native Cherokee; and that his father, Jack Stille, appears on said roll on page 584, No. 1778, a Native Cherokee. If the marriage of the applicant, Jane Stille, to her husband, Noah Stille, is proven, it would appear that the applicant should be enrolled, as it should be borne in mind that the present application to the Commission is not based upon the Cherokee blood of the applicant, but by reason of her marriage to her husband, Noah Stille, who is duly identified on the Authenticated Roll of 1890.

The applicant's children, Levi, Martha, Ida, and Hine Stille, are all duly identified on the Cherokee Census Roll of 1890, and their names have been placed on rejected card No. F. 80; while the mother, Jane Stille, has been placed on Memorandum Case No. 47.

In view of the foregoing facts, it is directed that Memorandum Case No. 47, being that of Jane Stille, and Cherokee rejected card No. 80, being that of her children, be cancelled, and that their names be transferred to a doubtful card, awaiting further consideration by the Commission; also that the applicant, Jane Stille, be requested to furnish the Commission with evidence of her marriage to her husband, Noah Stille; also whether either she or the said Noah Stille were previously

married, and whether they continued to reside together as husband and wife until the death of the said Frank Stille; and whether the applicant, Jane Stille, has since the death of her husband remarried.

C. R. Merriman

COMMERCIAL BANK OF
SAN FRANCISCO
JAN 10 1880

MADE BY PLATE ENCO HOLY COLE

(COPY)

R.

C. D-1264.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Jane Stille for the enrollment of herself and children as citizens of the Cherokee Nation.

Appearances:

V. F. Rampenthal, attorney for applicant,
W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I.T., on the 22nd day of March, 1902. The claimant this day, to-wit: the 22nd day of March, 1902, appears by her attorney, V. F. Rampenthal.

HENRY MILLER, being first duly sworn, and being examined, testified as follows:

MR. RAMPENTHAL: State your name. A Henry Miller.
Q What is your post office address? A Webbers Falls.
Q Are you a Cherokee citizen? A Yes sir.
Q Are you acquainted with Jane Stille? A Yes sir.
Q How long have you been acquainted with her? A I have been acquainted with her about 27 years.
Q State if you know her husband? A Yes sir.
Q What is his name? A Noah Stille.
Q How far back does your acquaintance date with him?
A About 27 years.
Q Do you know whether or not he lived with Jane Stille and claimed her as his wife? A Yes sir, they lived together as man and wife.
Q How long, of your own knowledge, did they live together as man and wife?
A Since 1894 up until he died, seven or eight years ago. I don't remember exactly.
Q About eight years ago? A I think so.
Q Live in the same house? A Yes sir.
Q Recognized as man and wife? A Yes sir.

MR. HASTINGS: Do you know whether they were married or not? A No sir.
Q Do you know whether they were ever married? A No sir, I don't.
Q Do you know whether he was ever married before? A No sir.
Q How long did you know him before that? A About 27 years in all.
Q Did you know her long before that? A Yes sir, both about the same length of time.
Q Any reason to believe that either of them were married before?

Jane Stille, et al---2

A No sir.

The attorney for the applicant is granted ten days in which to furnish certificate of marriage of Jane Stille and Noah Stille, and this this exception the attorney for the applicant and the representative of the Cherokee Nation present submit the case. Same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

(Signed) Wm Hutchinson.

I, the undersigned, state upon oath that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and correct copy of the original transcript.

May Anderson

Subscribed and sworn to before me this 2nd day of March, 1904.

John
Notary Public.

(COPY)

MARRIAGE LICENSE.

D 1264

No. 1400.

UNITED STATES OF AMERICA)
INDIAN TERRITORY : SS.
NORTHERN DISTRICT)

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE - AGREEMENT:

You are hereby commanded to Solemnize the Rite and publish the Bands of Matrimony between Mr. Bob McDowell, of Campbell, in the Indian Territory, aged 25 years, and Miss Martha Still of Campbell, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal at Muskogee, Indian Territory, this 7th day of December, A.D. 1900.

(Signed) Chas. A. Davidson,
Clerk of the U.S. Court

(SEAL)

Signed, P.M. Ford, Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA)
INDIAN TERRITORY : SS.
NORTHERN DISTRICT)

I, Jas. F. Weeny, a Minister of the Gospel, DO HEREBY CERTIFY that on the 16 day of Dec, A.D. 1900, I did duly and according to law as commanded in the foregoing license, solemnize the rite and publish the Bands of matrimony between the parties therein named.

WITNESS my hand this 16 day of Dec, 1900. My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 182.

(Signed) James F. Weeny,
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA)
INDIAN TERRITORY :
NORTHERN DISTRICT)

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 24 day of Dec 1900, and duly recorded in Book J, Marriage Record, Page 456.

Witness my hand and seal of said Court at Muskogee, in said Territory, this 19 day of March, A.D. 1901.

(Signed) Chas. A. Davidson, Clerk.

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

Muskogee, I.T., April 23, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Bob McDowell as a citizen of the Cherokee Nation.

(Signed) T. B. Needles,
Commissioner.

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes,

F I L E D

APR 26, 1902.

Tamm Sixby, Acting Chairman.

1264
IN RE

Application for Enrollment of

INFANT CHILD

Lvey Myrtle McDowell

as a citizen of the

Cherokee Nation.

Approved

1902

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 16 1902

RECEIVED

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
 of Ivey Martha McDowell, born on the 24th day of December, 1901
(Date of birth of child)
 Name of Father: Bob McDowell, a citizen of the United States Nation.
 Name of Mother: Martha McDowell, a citizen of the Cherokee Nation.
 Post-Office: Campbell, Ia

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

Northern District.)

I, Martha McDowell, on oath state that I am 19
 years of age and a citizen, by blood, of the Cherokee Nation;
 that I am the lawful wife of Bob McDowell, who is a citizen, ~~of~~
 of the United States Nation, that a female child was
(Male or female.)
 born to me on the 24th day of December, 1901; that said child has been
 named Ivey Martha McDowell, and is now living.

WITNESSES TO SIGN:

(Must be Two Witnesses)

John O. Carr Martha McDowell
M. N. Wallace maid

Subscribed and sworn to before me this 5th day of May, 1902

John Roosen
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

Northern District.)

I, Sarah Ensminger, a midwife, on oath state that I
 attended on Mrs. Martha McDowell, wife of Bob McDowell,
 on the 24th day of December, 1901; that there was born to her on said
 date a female child; that said child is now living and is said to have been
(Male or female.)
 named Ivey Martha McDowell

WITNESSES TO SIGN:

(Must be Two Witnesses)

Mrs Sarah Ensminger

Subscribed and sworn to before me this 5th day of May, 1902

John Roosen
 Notary Public.

Cher.
Supp'l to HD 1204

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., October 14, 1902.

In the matter of the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, and her children, LEVI, MARTHA, IDA AND ELIAS STILLM, and her grand-daughter IVY M. McDOWELL, as citizens by blood of the Cherokee Nation:

JANE STILLM, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Jane Stille.
Q What is your age Mrs. Stille? A Forty three.
Q What is your post office address? A Campbell.
Q Did you use to live in Muskogee? A Yes sir.
Q Are you an applicant before the Commission for enrollment as an intermarried citizen? A Yes sir; I have married since my husband died.
Q Before you were an applicant? A Yes sir.
Q What was your Cherokee husband's name?
A Noah Stille.
Q When were you married to Noah Stille?
A It will be twenty four years the 2nd day of next January.
Q Where were you married to him? A At Judge Thornton's about
Q In the Cherokee Nation? A Yes sir. Judge Thornton married us.
Q Had you ever been married before your marriage to Noah Stille?
A No sir.
Q Was he your first husband? A Yes sir.
Q Had you ever been married prior to his marriage to you?
A No sir.
Q Were you his first wife? A Yes sir.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A Eight years.
Q Did you and he live together all the time as husband and wife from the time of your marriage to the time he died?
A Yes sir.
Q Never were separated during his lifetime? A No sir.
Q Since his death have you married again? A Yes sir.
Q When did you marry this last time? A Three years ago.
Q What is your present husband's name? A Barney Brail.
Q Is he a citizen by blood of the Cherokee Nation?
A No sir.
Q What is his blood? A I don't know; Irishman I guess.
Q A white man is he? A Yes sir. He had a wife and two children in Michigan, and we got married, and pretty soon his brother come and told me about it; and I turned him off, and he went back to them.
Q So that, at the time you married Barney Brail he had a living wife that he was not divorced from?
A Yes sir, his brother told me he wasn't. His brother went back with him.
Q So, in reality, you have never been married to anybody since Stille died? A No sir.
Q Who performed the ceremony between you and Stille?
A Judge Thornton.

Q Was he judge of a Cherokee court? A Yes sir.

Q Did he give you a marriage certificate? A No sir, but he paid him to record our marriage.

Q Have you ever made an effort to get a copy of the record?

A Why I got this lawyer John Ross, I believe, to write over for it

but I never could hear from it any more.

Q Do you know whether it was recorded?

A He said he didn't believe it was, for at that time they never did record marriages between Cherokee people. I paid him a dollar to write.

Q How long have you lived in the Cherokee Nation?

A Ever since I was eleven years old.

Q Have you lived in the Cherokee Nation all the time since you and Noah Stille were married? A Yes sir.

Q Up to the present time? A Yes sir.

Q Are these children, Levi, Martha, Ida and Elias your children by Noah Stille? A Yes sir, these are my children and Noah's.

Q Are they all living at this time? A Yes sir.

Q Have they lived in the Cherokee Nation all their lives? A All their lives.

Q It seems that you have never filed any proof of your marriage to Noah Stille?

A Well the people is dead that saw us married, I have never found but one person who saw it, and she was so small she dont remember it. It was George Webbird's daughter, and she was too small to know it. I can find plenty of people that knows we lived together, and that we went off to get married.

The Commission: It will be necessary for you to get a copy of that certificate of record, if possible, and if not, you will have to produce witnesses who knew that you lived together as man and wife; and, if possible, witnesses who saw you married, and who know that you did marry.

A That lawyer said he would send it here if it was recorded at Tahlequah.

The Commission: It will also be necessary for you to introduce some testimony to show that this last man that you married had a living wife when you and he married, because if you married a white man afterwards legally, why you forfeited your rights to citizenship. Of course if that marriage was void.

A My children now know that he didn't stay no time after his brother come, and went away.

Q Who is this child Ivy M. McDowell?

A That's my grand-daughter.

Q Is that child living? A There she is. (Witness points to a child in the room).

Q That's her is it? A That's her.

Q Who is the mother of that child? A Martha Stille, Martha McDowell now.

Q So that's mistaken information given here that that child is dead?

Cherokee D-1264----3.

A This is the only child she ever had. I would like to know who did that. It's the only child she ever did have.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this November 5, 1902.

(Signed) B. C. Jones,
Notary Public.

I, the undersigned, on oath state that the above and foregoing is a true and correct copy of the original transcript.

May Hudson

Subscribed and sworn to before me this 15th day of March, 1904.

J. P. Jones
Notary Public.

(COPY)

CherokeeD1264

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.
Muskogee, I.T., October 27, 1902.

In the matter of the application of ~~John~~ Jane Stille for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children, Levi, Martha, Ida and Elias, and her grand daughter, Ivy M. McDowell as citizens by blood of the Cherokee Nation.

Jane Stille, being first sworn and examined by the Commission, testified as follows:

- Q What is your name? A Jane Stille.
Q How old are you? A Forty-three.
Q What is your postoffice address at this time? A Campbell, I.T.
Q You are an applicant for enrollment as an intermarried citizen?
A Yes.
Q What is your husband's name? A Noah Stille.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A Eight years-- nine next December.
Q When were you married to Noah Stille? A 24 years ago.
Q Where? A At Garfield.
Q Cherokee Nation? A Yes sir. Lewis Thornton married us; he was judge at the time.
Q You had no marriage certificate? A No sir.
Q You say you have a witness with you to prove your marriage? A To prove that he lived with me.
Q You and Noah Stille were never separated during his life time?
A No.
Q You have married since? A Yes but it wasn't a lawful marriage.
Q Who did you marry? A Barney Brail; he was married before and has been married since.
Q When did you marry him? A Four years ago.
Q How did you know he was married before? A His brother told me; and he asked me if I knew Brail had a wife and two children and I told him I did not. And he said "Well, he has got a lawful wife and two little girls, and I am going to take him home", and he did so.
Q You have not had his brother before the Commission to testify?
A No, it is three years ago, and I don't know where he is.
Q You don't know anything about Barney Brail's having a wife except what his brother said? A Only what his brother and him; and I learned since he said he was going to come and marry me and sell my place and go home to his family. The testimony will be here from Webbers Falls today.
Q You don't know anything of your own knowledge? A Nothing, only when he came to me he had been drinking for a week, and he came home and the next morning he told me to get his clothes; that he was going to his family. My mother was dying at that time. I went and packed his clothes up and handed them to him; that was the first day of October, three years ago.
Q Barney Brail was a white man, was he? A Yes sir.
Q And did not claim any rights as a Cherokee by blood? A No sir.
-

David Stille, called as a witness, being first duly

sworn and examined by the Commission, testified as follows:

- Q What is your name? A David Stille.
- Q What is your age? A 26.
- Q Do you know James Stille? A Yes sir.
- Q Is she a relative of yours? A My aunt.
- Q Did you know her husband, Noah Stille, during his life time?
- A Yes.
- Q How long did you know him? A All my life.
- Q Do you know anything about his being married to Jane Stille?
- A I don't know when he was married.
- Q Do you know anything about their living together as man and wife?
- A Yes.
- Q How long did they live together as man and wife? A Ever since I was big enough to recollect.
- Q Were they always regarded in the community where they lived as man and wife? A Yes sir.
- Q You was not present and saw them married? A No, I was not.

9- - - - -

Mrs. Stille, it will also be necessary for you to furnish additional testimony that your last husband had a living wife from whom he was not divorced at the time you married him.

9- - - - -

Frances R. Lane, upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

(Signed) Frances R. Lane.

Subscribed and sworn to before me this November 5th, 1902.

(Signed) B. C. Jones,
Notary Public.

(SEAL)

I, the undersigned, state upon oath that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

May Anderson

Subscribed and sworn to before me this 23rd day of February, 1904.

John
NS

Illinois District, 1880 roll, page 584, 4176, John Hill, 41 years, in family of John

cards are identified thereon as follows:

in possession of the Commission, to be examined as and at the

from an examination of the records of the Commission.

SUBMITTALS

Y. H. Howell as officers of the Oregon National
State, Iowa, Idaho, Utah, Nevada, Arizona, California, Oregon, Washington, and Alaska.



Cherokee N 1244

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MURKOGEE, IND. TER., OCT. 30, 1902.

In the matter of the application for the enrollment of
Jane Stille, Levi Stille, Martha Stille, Ida Stille, Elias Stille and
Ivy M. McDowell as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

From an examination of the tribal rolls of the Cherokee
Nation, in possession of the Commission, it appears that the appli-
cants are identified therein as follows:

1860 roll, page 584, #1778, Noah Still, 21 years, in family of Jack
Stille, Illinois District.

1862 roll, page 70, #1362, Noah Still; #1363, Levi Still, both in
Illinois District.

1866 roll, page 74, #1469, Noah Still; #1470, Levi Still; #1471,
Martha Still; #1472, Lenera Still, all in Illinois District.

1890 pay roll, page 756, Vera Still; Levi Still, Martha Still, Ida
Still, all in Illinois District.

1894 Strip payment roll, #1806, Vera Still; #1809, Levi Still; #1810,
Martha Still; #1811, Ida Still; #1812, Elias Still; #1813, Charles
Still, all in Illinois District.

It is ordered that this statement be filed with and made a
part of the record in this case.

C. R. Buckner
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., January 28th, 1903.

-----o-----
Cherokee D-1264
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IN THE MATTER OF THE APPLICATION OF JANE STILLE FOR THE ENROLLMENT OF HERSELF AS A CITIZEN BY INTER-MARRIAGE, AND THE ENROLLMENT OF HER CHILDREN, LEVI, MARTHA (NOW MARTHA McDOWELL), IDA AND ELIAS STILLE, AND HER GRAND-CHILDREN, IVA M. McDOWELL, AS CITIZENS BY BLOOD OF THE CHEROKEE NATION.

-----o-----
PROTEST OF THE CHEROKEE NATION.
-----o-----

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission to the Five Civilized Tribes rendered in this case on January 15th, 1903, and asks that the record with the testimony and decision of the Commission and this Protest, be forwarded to the Honorable Secretary of the Interior for review.

Inasmuch as the evidence in this case shows that Jane Stille made application for herself and her children to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10th, 1896, to be admitted as citizens by blood of the Cherokee Nation, and that her said application was denied by this Commission in 1896, and on appeal to the United States Court in the Indian Territory, for the Northern District, where the decision of this Commission was sustained, the Cherokee Nation asks fifteen days additional time in which to file a brief upon the questions involved in this case.

Respectfully submitted,

(Signed) W. V. Hastings,

Attorney for the Cherokee Nation.

(COPY)

10374

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 4th, 1903.

IN THE MATTER OF THE APPLICATION OF JANE STILLE FOR THE ENROLLMENT OF HERSELF AS A CITIZEN BY INTERMARRIAGE, FOR THE ENROLLMENT OF HER CHILDREN, LEVI, MARTHA (NOW MARTHA McDOWELL), IDA AND ELIAS STILLE, AND HER GRAND-CHILD, IVY M. McDOWELL, AS CITIZENS OF THE CHEROKEE NATION.

)-----(
D-1264.

)-----(
BRIEF OF THE CHEROKEE NATION.

-On January 28th, 1903, the Cherokee Nation filed a formal Protest against the decision of the Commission rendered on January 15th, 1903, in this case, and asked that the same be forwarded to the Secretary of the Interior for review.

This is a very important case, and one that we commend to the earnest consideration of the Secretary of the Interior because of the principle involved.

This decision seeks to set aside a decision of the United States Court for the northern District of the Indian Territory rendered in case No. 193, appealed from the Commission who denied the applicant under the Act of June 10th, 1896.

In that case the mother applied as a Cherokee by blood for herself and all of her children embraced in this application. This question cannot be dodged, and it must be met fairly and squarely. In some cases heretofore decided the Secretary of the Interior has decided that if a person were denied in 1896 as a Cherokee by blood, that he could now apply as a citizen of the Cherokee Nation by intermarriage, but no decision has yet been rendered enrolling a person as a citizen by blood whose right was denied as a citizen by the Commission under the Act of June 10th, 1896, and by the United States Court upon appeal. At that time, we contend, it was the duty of the applicant to introduce all of their proof tending to show that they were entitled to be enrolled as citizens of the Cherokee Nation by blood; if they claim through their mother, they should submit the proof, and if they claim through their father, it was their duty and the duty of their attorney (and the record shows that they had one) to present the proof to the Commission and to the court upon appeal. In other words, it was their duty in 1896 to present all the proof upon which they relied to be admitted as citizens of the Cherokee Nation by blood; and in the event that they failed and neglected to present any proof beneficial to their case, the fault was their own, and they are bound by the decision. In other words, it is res adjudicata.

Can it be said that a person can come before the Commission at one time and claim under his maternal grandmother, and again under his maternal grandfather, and, losing in both cases, claim under his paternal grandmother, and, failing, finally claim under his paternal grandfather? We think not. It was never the intention of the Act of Congress to permit the Commission to go behind these

judgments except upon the ground of fraud, and this was the view of the Commissioner in the field when the present application was made, because he at that time rejected the application of Jane Stille, and recited the fact that she had applied to the United States Commission in 1896; that her application was denied; that she had appealed to the United States Court, and that the United States Court had decided that she was not a citizen of the Cherokee Nation.

Included in this application was the names of all her children applied for in this case, except that of her grandchild, which was born since. The Commissioner at that time further said:

"The application for the admission of your said child is refused. The decision of the court is final under the law".

It can readily be seen how important this decision is to the Cherokee Nation for in the event that the Secretary of the Interior holds that when a person applies as a Cherokee by blood and was rejected by the Commission, and by the court upon appeal, under the Act of June 10th, 1896, that it will open up perhaps five thousand cases that applied to the Commission under this Act of June 10th, 1896. Of course, each applicant will contend that he has got some additional or cumulative testimony which will tend to show that he is entitled to be enrolled as a citizen of the Cherokee Nation. We contend that it is evident that it was not the intention or the purpose of the Act of Congress to permit the Commission to re-open these judgments except upon the ground of fraud.

The court in 1896 said in this case upon appeal from the Commission:

"A judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants to be enrolled as citizens of the Cherokee Nation is denied".

It will be noted that the application of all of them was denied and that under the law there was no appeal from this decision.

We contend that this case is res adjudicata.

Wells on Res Adjudicata, Sec. 5 and Sec. 6:

"The fundamental principle of the rule of Res Adjudicata is plainly that the decision of the court of competent jurisdiction is and ought to be final and a conclusive settlement of the questions involved in any particular controversy as to the parties concerned therein."

Sec. 6 states:

An essential principle, also, is that the action of the court is conclusive, even if it can be shown to be erroneous, unless in a direct action to reverse the judgment by appeal."

Sec. 359 of the same work, quoting a Pennsylvania case, states:

"It may be a great misfortune, as in this case, that from causes, over which he had no control, the party may not have been properly prepared for trial. If it, however, a misfortune which this court cannot remedy, as the rule is settled on the principle that there must be an end of litigation."

Now in this case the Commission to the Five Civilized Tribes under the Act of June 10th, 1896, had exclusive and original jurisdiction over citizenship cases, and the United States Court for the Northern District of the Indian Territory had jurisdiction of these

cases upon appeal, and the decision of the court was final. Now, the question involved was the right of these children to be enrolled as citizens of the Cherokee Nation by blood, the same question that is involved now; and it was between the same parties; and we do not see how the Secretary of the Interior can escape the fact that this was a final and binding judgment against this applicant.

In the case of *Biscoe, et al. vs. Tucker, et al.*, 14th Ark., 515, the court said:

"It would then be extraordinary if the Circuit Court possessed the power it assumed to exercise of decreeing after the remanding of the cause, that the loans to Tucker were exclusively upon personal security and not connected with the mortgage". The repose and good order of society demands that there should at some period of a cause, be an end of litigation".

This was upon a question of fact that had been previously decided; and the court very wisely thought the good order of society demanded an end of litigation, just as conditions in this country demand an end of citizenship business.

But the same decision goes on further to state:

"The verdict of juries are none the less conclusive because they do sometimes determine a fact contrary to what may be the real truth. Upon the same principle, and no matter how injurious the conclusions may be, the parties in the appellate court may be bound by the submission of a cause upon a diminished record, according to which one has affirmed and the other denied that there is error. The appellate court with a deep sense of all the obligations resting upon it, may sometimes mistake the record, and will be liable to error in matters of law so long as men are liable to differ in opinion, but the decision in the particular case is forever the law of that case, and is conclusive not only to those points that appear of notice or decided by the opinion of this court, but of every question of law or fact presented upon the record, and which was necessary to have been decided in order to enable the court to arrive at such conclusions".

This decision, we think, clearly states the law correctly, and in fact, we have found no decision that seems to conflict with the law as stated by the court in this case.

The Supreme Court of the United States has passed upon this very question numerous times.

"A fact which has been directly tried and decided by a court of competent jurisdiction cannot be decided again collaterally between the same parties in the same or any other court".

Hopkins vs. Lee, 6 Wheat. 109.
Pen hallow vs. Doane, 3 Dall. 54.
Elliott vs. Peirsel, 1 Pet. 328.
Ex parte Watkins, 3 Pet. 193.
U.S. vs. Housae, 9 Pet. 8.
Bank of U.S. vs. Beverly, 1 How. 134.
Mandall vs. Howard, 2 Black. 586.
Farrish vs Ferris, 14. 606.
Florentine vs. Barton, 2 Wall. 210.
Crowell vs. Sac. Couray, 94 U.S. 351.
Russell vs. Place, 14. 606.

Hornbuckle vs. Stafford, 111 U.S. 389.

Bryan vs. Kennett, 113 U.S., 179.

"Judgment upon the facts in issue, which appear upon the record, either expressly or by necessary intendment, or which are shown aliunde to have been in issue, is conclusive upon parties and privies as to such facts".

16 Howard. 114.

The United States Court upon appeal in 1896 decided that none of these applicants were entitled to be enrolled as citizens of the Cherokee Nation by blood, and this decision was final.

The testimony discloses now that Jane Stille applied as a citizen of the Cherokee Nation by inter-marriage. The testimony further shows that Noah Stille died several years ago, and that since that time the said Jane Stille was married to Barney Brail, a white man, and not a citizen of the Cherokee Nation, and we contend that even if Jane Stille had acquired rights by her marriage to Barney Stille, that she forfeited them under Section 666 of the Compiled Laws of the Cherokee Nation by her marriage to Barney Brail. True, she states that she heard that her second husband had been previously married, and that he hadn't been divorced from his first wife, but there is clearly no satisfactory proof upon this point. The evidence does not show where Barney Brail lived so that the Cherokee Nation could have gotten rebutting testimony, and we contend that the hearsay testimony of the applicant herself as to the former marriage of Barney Brail is entirely insufficient to entitle her to evade the provisions of forfeiture contained in Section 666 of the Compiled Laws of the Cherokee Nation.

The questions involved in this case are of the most serious concern to the Cherokee Nation because if this judgment is opened up, we do not know how many motions for rehearing will be made in other rejected cases decided upon the same grounds that they have additional testimony showing that they were entitled to be enrolled as citizens of the Cherokee Nation.

If these children claim through their father, it was their duty to present their full case to the Commission in 1896, and not to present it by piece-meal. The Commission in 1896 decided that they were not Cherokees by blood, and not entitled to be enrolled as citizens of the Cherokee Nation, and this decision was affirmed by the court; and we contend that it is binding now upon this Commission, and it was clearly not the intention of the Congress of the United States to disturb the judgments rendered under the Act of June 10th, 1896, except upon the ground of fraud, which has not been attempted to be shown in this case.

Respectfully submitted,

(Signed) W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory, April 9, 1908.

Mr. Robert McDowell,
Campbell, Indian Territory,

Dear Sir:

The Commission is in receipt of birth affidavit in the matter of the application for the enrollment as a citizen of the Cherokee Nation of Ivy K. McDowell, infant child of yourself and Martha J. McDowell.

It appears from this affidavit that you are a non citizen of the Cherokee Nation and that the child claims its right to enrollment through its mother.

The records of the Commission do not show that any application has been made for the enrollment of the mother of this child under the name of Martha J. McDowell, and it is presumed that she has been married since the date of her application for enrollment.

You will please advise the Commission when, where and under what name Martha J. McDowell was listed for enrollment as a citizen of the Cherokee Nation.

Yours truly,

(Signed) T. E. Needles

Commissioner in Charge

(COPY)

Cherokee D-1264

Muskogee, Indian Territory, May 14, 1902.

Bob McDowell,

Campbell, Indian Territory.

Dear Sir:

The Commission is in receipt of duly executed birth affidavit in the matter of the application for enrollment as a citizen of the Cherokee Nation of your infant child, Ida Myrtle McDowell.

Before the affidavit as to the birth of this child can receive further consideration by the Commission, it will be necessary that you file your original marriage license and certificate, for the reason that the mother of this child is a white woman.

Please give this matter your prompt attention.

Yours truly,

Acting Chairman.

(MH)

In reply refer to
Charlene B 1244.

Muskogee, Indian Territory, June 12, 1902.

Mrs. June Stille,

Muskogee, Indian Territory.

Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that you submit to this Commission additional testimony, to-wit: first, a certified copy of your marriage license, together with a certificate of your marriage to Mack Stille; second, whether you continued to reside with him as his wife until the time of his death; third, whether you and your husband, or either of you, were previously married; fourth, whether you have re-married since his death.

This testimony must be furnished on or before July 1st, 1902.

Yours truly,

Commissioner in Charge,

Register.

Muskogee, Indian Territory, September 11, 1902.

W. F. Rampentahl,

Attorney for Jane Stille,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that Jane Stille has this day been notified to appear before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, within fifteen days from date hereof, and introduce evidence as to her marriage to Noah Stille; also, whether she continued to reside with him until his death, whether either of them was ever previously married and whether she has, since the death of her husband, Noah Stille, remarried.

It will also be necessary that she introduce proof as to her residence, as well as the residence of her children, on June 30, 1898, and prior thereto.

Yours truly,

Acting Chairman.

(COPY)

Cherokee D-1264

Muskogee, Indian Territory, September 11, 1902.

Jane Stille,

Care of Martha McDowell,

Campbell, Indian Territory.

Dear Madam:

You are directed to appear before the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, within fifteen days from date hereof, and introduce evidence as to your marriage to Noah Stille; also, whether you continued to reside with him until his death, whether either you or your husband were ever previously married and whether you have, since his death, remarried.

It will also be necessary that you furnish the Commission with evidence as to your residence, as well as the residence of your children, on June 28, 1898, and prior thereto.

You will find enclosed herewith blank form of affidavit which you are desired to have properly executed as to the death of your child, Ivy M. McDowell.

Yours truly,

Acting Chairman.

Enc. 1 D.C.

(M)

(COPY)

Cherokee D-1264.

Muskogee, Indian Territory, January 15, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Levi, Martha (now Martha McDowell), Ida and Elias Stille, and her grand-child, Ivy-M. McDowell, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. H-2.

(COPY)

Cherokee D-1264

Muskogee, Indian Territory, February 7, 1903.

Jane Stille,

Campbell, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your four minor children, Levi, Ida and Elias Stille and Martha McDowell, and your grandchild, Ivy M. McDowell, as citizens by blood of the Cherokee Nation, together with the Commission's decision, dated January 15, 1903, granting your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. M-32
Register.

(M)

(COPY)

Cherokee D-1264

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the secretary of the Interior, for review, the record of proceedings had in the matter of the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her four minor children, Levi, Ida and Eliza Stille and Martha McDowell, and her grandchild, Ivy K. McDowell, as citizens by blood of the Cherokee Nation, together with the Commission's decision, dated January 15, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated January 28, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

(CO. Y)

Cherokee D-1204

Muskogee, Indian Territory, February 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her four minor children, Levi, Ida and Elias Stille and Martha McDowell, and her grandchild, Ivy M. McDowell, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated January 15, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) Tame Bixby,

Acting Chairman.

Enc. M-33.

Through the

Commissioner of Indian Affairs.

(MH)

(COPY)

Cherokee D-1264

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application for the enrollment of Jane Stille et al., as citizens of the Cherokee Nation, case number D-1264, the record and decision in which case were transmitted to the Department on February 9, there has this day been filed with the Commission the brief of the Cherokee Nation, a copy of which is enclosed.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. M-273

Through the

Commissioner of Indian Affairs.

(MH)

(COPY)

Muskogee, Indian Territory, January 27, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 16, 1903, granting the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, her four children, Levi Stille, Martha McDowell, Ida and Elias Stille, and her grandchild, Ivy M. McDowell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except Jane Stille, on January 14, 1904.

Respectfully,

Commissioner in Charge

(M)

(COPY)

Musk gee, Indian Territory, January 27, 1904

Jane Stille,

Campbell, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated January 15, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage, your four children, Levi Stille, Martha McDowell, Ida and Eliag Stille, and your grandchild Ivy M. McDowell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except yourself, on January 14, 1904.

Respectfully,

Commissioner in Charge

(2H)

Cher 10375

John R. Trott

Cher 10375

CHEROKEE

10375

John R. Dett

• Denied

Action reversed by
Secretary of Interior.

Feb. 6, 1904

10375

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 22, 1900.

In the matter of the application of John Ross Trott for the enrollment of himself and wife as citizens of the Cherokee Nation; said Trott being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A John Ross Trott.
Q What is your age? A 63.
Q Your post office address? A Verdon, Illinois.
Q What district were you enrolled in? A Cooweescoowee.
Q For whom do you apply? A Myself and wife.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood of intermarriage? A By blood.
Q Is your father living? A No sir, dead.
Q Your mother? A No sir.
Q Did they die before 1880? A Yes, sir.
Q What is the name of your wife? A Emma A.
Q Is she a citizen? A White woman.
Q When did you marry her? A In 1868.
Q Her father and mother are non-citizens? A Yes, sir.
Q Have you any children? A I have a son I would like to have him enrolled on the same card.
Q Your name does not appear on the roll of 1880? A No, sir.
Q You claim citizenship by reason of being admitted by the Dawes Commission? A Yes, sir.

The applicant presents a certificate of Admission from the Commission to the Five Civilized Tribes, certifying that in Dawes Commission case #8342, he was duly admitted to citizenship, on the 24th day of November, 1896, by the Commission to the Five Civilized Tribes Certificate is satisfactory.

1894 enrollment; page 320, #4364, John R. Trott, Cooweescoowee.

- Q How long have you been a resident of the Cherokee Nation?
A Since 1855.

W. W. Hastings, representative of the Cherokee Nation:

- Q Your post office is Verdon, Illinois? A Yes, sir.
Q How long has that been your post office? A About two years and a half.
Q Do you know exactly when you moved to Verdon, Illinois? A I do not know the exact date.
Q As accurately as you can get? A About 16 or 18 months ago.
Q Where did you move from to Verdon? A Moved from Auburn, or down near there.
Q How long did you live in Auburn? A Lived there nearly a year.
Q Where did you move from to Auburn, Illinois? A From here.
Q When did you leave Vinita, Indian Territory? A I left here in 1898, two years the first of January.
Q And since that time you have resided in Illinois? A Yes, sir.
Q Prior to 1896 where did you reside? A I was on the Pacific Coast part of the time.
Q Immediately before 1896? A I was here.
Q Did you reside in the State of Illinois before 1898? A Yes, sir.
Q When? A During the war.
Q Have you since that time and before 1896? A Yes.
Q When? A Up to 1870.
Q Have you lived there since 1870 and before 1896? A No sir.

John Ross Trett---2.

Q Prior to 1896 you lived in California? A Yes, sir, I was in the Interior Medical Department of the Government; I was there by appointment.

Commissioner T. B. Needles:

Q Where did you reside on the 28th day of June, 1898, you resided in Illinois? A Yes, sir.

The applicant:--I knew what the law was in reference to being out of the country. I left my effects here, consisting of household fixtures and furniture, cooking utensils, stoves, canned fruit, etc. They were stored at my brother's, William M. Trett, and still remain there. I have a farm here; it is rented out all the time. I have town lots here and I considered this my home always. I left the Country temporarily only, on the account of my health and my wife's health. My wife had very poor health here. I calculated to come back to the country. These facts can be established by witnesses if necessary.

Com'r Needles:--The name of John R. Trett appears upon the pay roll of 1894. He presents satisfactory proof of admission of himself and his wife, Emma A. Trett; said certificate of admission being more fully described in the testimony as Dawes Commission case #3342. The applicant avers that he is not an actual resident of the Cherokee Nation. He is satisfactorily identified as the identical John R. Trett as is also his wife, Emma A., as mentioned upon the certificate of Admission, and by reason of his residence, final judgment as to the application for the enrollment of himself and wife, will be suspended and his name will be placed upon a doubtful card.

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J. O. Bessen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) John O. Bessen

Subscribed and sworn to before me this 24th day of September, 1900.

(SIGNED) T. B. Needles,
Commissioner.

I, George R. Smith, under oath, state, as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and correct copy of the original testimony transcribed in the above entitled cause on file in this office.

George R. Smith

Subscribed and sworn to before me this 1st day of March, 1904.

Samuel Freeman
1007 1/2

Department of the Interior,
Commission to the Five Civilized Tribes,
 Muskogee, I. T., March 26, 1901.

In the matter of the enrollment of JOHN R. Trett, as a Cherokee,
William L. Trett, being sworn and examined by Commissioner Needles
testified as follows:

- Q What is your name? A William L. Trett.
Q What is your age, Mr. Trett? A 57.
Q What is your post-office? A Vinita, Indian Territory.
Q Do you know John Ross Trett? A Yes sir.

WITNESS INTERROGATED BY MR. THOMPSON, ATTORNEY FOR APPLICANT:

- Q What relation is John Ross Trett to you? A An own brother.
Q I will ask you if he left anything in your charge as his agent
in this country when he went to Vardon, Illinois? A Yes sir.
He left his farm in my charge, and some team property, and the
household furniture and heating stoves, some packed boxes, canned
fruits, and just general household stuff, - two or three wagon loads
of it.
Q Have you been taking care of these as his agent since then?
A Yes sir.

WITNESS INTERROGATED BY CALB STARR, ON BEHALF OF CHEROKEE NA:

- Q Where does John Ross Trett live now? A Vardon, Illinois.
Q How long has he lived there? A Why he left here about 1898,
spring of 1898 I think.

-----@-----
M.D. GREEN, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this March 27, 1901.

(Signed) G. R. Breckinridge.
Commissioner.

-----@-----
I, George R. Smith, being first duly sworn, state that, as
stenographer to the Commission to the Five Civilized Tribes, the
above and foregoing is a true and complete copy of the original
testimony taken in the matter of this application now on file in
this office.

George R. Smith

Subscribed and sworn to before me this 1st day of March, 1901.

Samuel F. ...

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 28, 1902.

In the matter of the application of John H. Trott for the enrollment of himself and wife as citizens of the Cherokee Nation.

Applicant represented by W. P. Thompson, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 10, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee on the 26th day of February, 1902. Receipt was acknowledged of the Commission's letter. The applicant on said day, the 26th day of February, 1902, appeared by his attorney, W. P. Thompson, and by agreement between said attorney and the representative of the Cherokee Nation present the case was continued until the 28th day of February, 1902. The case is called this day, to wit the 28th day of February, 1902, and the applicant again appears by his attorney, W. P. Thompson.

TESTIMONY IN BEHALF OF THE CHEROKEE NATION.

L. B. BELL, being first duly sworn, testified as follows:

MR. Hastings: What is your name? A L. B. Bell.
Q What is your postoffice? A Vinita, 63 years old, very near 64.
Q Do you know Dr. John R. Trott, who formerly lived at Vinita.
A Yes, sir, I know him.
Q Does he live up there now? A No, sir.
Q How long has he been gone? A He has been gone several years.
Q Do you know where he is? A Don't know where he is, my understanding—well, they went into Missouri first from there, and I think Oscar Trott is up there, and I don't know what ever become of Ross.
Q Well, he has never returned to the Cherokee Nation in the last three or four years, that is, to live? A Never come back to Vinita or any part of the Cherokee Nation that I have been in.
Q You are an old resident of Vinita? A Yes, sir. I have been living there for years and years.
Q You knew him well? A Yes, sir, for fifty years I reckon.

P. G. REUTER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A P. G. Reuter, postoffice address Muskegee, age 24 years.
Q Are you the chief clerk for the enrolling division of the Cherokee Nation, enrollment division? A Yes, sir.
Q And as such have charge of it? A Yes, sir.
Q I will ask you whether or not that you had any correspondence through this division with Dr. J. R. Trott. A We have had correspondence with one J. R. Trott, don't know about his title.
Q Well, is he the applicant in this case, inquiring about his case?
A Yes, sir.
Q Well, where was that letter addressed from? A Virden, Illinois.
Q Have you that letter? A I don't know, well--
Q Was it of recent date, you remember the date of the letter? A Yes, it was of recent date, I don't remember the exact date. I find

that the letter was dated February 24, 1902.

MR. THOMPSON: You don't know where he lives, do you, Mr. Bentler? A No, sir, I do not.

Q You don't know where his present residence is? A No, sir.

Q (Turning to Mr. Bell) Do you, Mr. Bell? A Oh, I guess he is where he wrote that letter.

Q I am talking about what you know? A I take it that he was alive when he wrote the letter.

Q You don't know where his present residence is, do you, Mr. Bell? A I don't know even the state he is in.

COMMISSIONER: Do you submit the case?

MR. THOMPSON: Yes, sir.

COMMISSIONER: The attorney for the applicant and the representative of the Cherokee Nation present submit the case to the Commission, and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

MR. THOMPSON: I desire to submit brief in behalf of applicant, setting forth the grounds upon which he thinks he is entitled to enrollment.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) Arthur G. Croninger

Subscribed and sworn to before me this 28th day of February, 1902.

(SIGNED) T. B. Needles,
Commissioner.

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, the above and foregoing is a true and correct copy of the original testimony given in this case, and now on file in the Cherokee Land Office.

George R. Smith

Subscribed and sworn to before me this 1st day of March, 1904.

Samuel Ferguson

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 29, 1902.

In the matter of the application of Emma Trott for enrollment as a citizen by intermarriage of the Cherokee Nation, for the enrollment of her husband, William O. Trott as a citizen by blood of the Cherokee Nation.

Emma Trott, being first duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Emma Trott.
- Q What is your postoffice address? A Verden, Illinois.
- Q How old are you? A 54 years.
- Q Are you an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
- Q What is your husband's name? A John R. Trott.
- Q Is he a Cherokee by blood? A Yes sir.
- Q When were you and John R. Trott married? A We were married in 1867.
- Q Where were you married? A In Verden, Illinois, where I live now.
- Q Was John R. Trott ever married before his marriage to you? A I think not.
- Q Were you ever married prior to your marriage to him? A No sir.
- Q Have you and John R. Trott lived as husband and wife from the date of your marriage up to the present time? A Yes sir.
- Q You have never been separated? A No sir.
- Q You and he were living together as husband and wife on September 1, 1902? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A I have lived there 11 (eleven) years altogether.
- Q When did you and Mr. Trott first come to the Territory? A We first came there, it has been 25 years ago.
- Q How long did you stay in the Cherokee Nation? A Staid 7 years at that time.
- Q Then did you go out of the Territory? A Yes sir.
- Q When did you come back again? A I can't remember the date we came back.
- Q About how long ago? A Eight years, or nine.
- Q Where did you come to that trip? A Vinita; that is where we made our home.
- Q How long did you live in Vinita? A About four or five years at that time.
- Q Then when did you leave the territory after that? A We left I think in 1898.
- Q Where did you go? A To Verden, where we live now.
- Q What time of the year did you go there? A We went in January.
- Q January, 1898? A Yes sir.
- Q Have you and John R. Trott been living there ever since you left here in 1898? A Yes sir.
- Q You are living in Illinois now, are you? A Yes, I have lived there since I was twelve years old; my home has been there.
- Q But you have lived on several different occasions in the nation? A Yes, several times.
- Q The last time you were here was ended in January, 1898? A Yes sir.
- Q You left here at that time and went to Verden, Ill., where you have resided ever since? A Yes sir.
- Q Mr. Trott has resided with you during these different times you have been here in the Territory? A Yes sir.

Frances H. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

(SIGNED) Frances H. Lane

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

(SIGNED) B. C. Jones,
Notary Public.

I, George R. Smith, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, the above and foregoing is a true and correct copy of the original testimony given in the matter of the above application now on file in this office.

George R. Smith

Subscribed and sworn to before me this 1st day of March, 1904.

Samuel Forman,
Notary Public.

Before the Commission to the Five Civilized Tribes.

In the matter of the
Application of John Ross
Trott for enrollment of
himself and wife as citizens
of the Cherokee Nation.

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Brief of Applicant.

Statement of Facts.

The facts in this case are that applicant was admitted by the Dawes Commission the 24th day of November, 1896 by the Commission to the Five Civilized Tribes, case No. 8342; that applicant has fully identified himself as the identical John Ross Trott and has also identified his wife, Emma A. Trott, as being the identical persons whose names appear on the certificate of admission; that he is at present living at Verdon, Illinois, but that he left all his effects and belongings, consisting of household furniture and fixtures cooking utensils, stoves, canned fruit, etc., stored at his brother's, William M. Trott, in Vinita, Indian Territory, Cherokee Nation, where they still remain, that he has a farm here in the Cherokee Nation from which he is now and has been receiving rents all the time, that he has also town lots also in the Cherokee Nation and that he considered the Cherokee Nation his home always and that he left the Cherokee Nation temporarily on account of the health of himself and wife and that he always intended to come back to the Cherokee Nation.

Argument.

This applicant and his wife made application to the Dawes Commission under the act of Congress of June 10, 1896, and his case was determined favorably and they were duly admitted to citizenship in case No. 8342 on the 24th day of November, 1896, by the Commission to the Five Civilized Tribes, from which decision of the Commission there was no

appeal by the Cherokee Nation; that under said act of Congress such decision was final and the Rolls upon which said Commission decided that he was entitled to be enrolled upon by the terms of said Act of June 10, 1896, or hereafter to be "held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe or person be aggrieved with the decision of the tribal authorities or the Commission provided for in this act, it or he may appeal from such decision to the United States Courts Provided, however, that the appeal shall be taken within sixty days, and the judgment of the Court shall be final." The records in this case show that there was no appeal and therefore the decision of the Commission was final and the Cherokee Nation is concluded from further contesting the rights of this applicant; That the Cherokee Nation having been granted the right of appeal from the Decision of the Commission and it having failed to take advantage of this right of appeal the applicant has a fixed right in the decision and he cannot constitutionally be subjected to further chance or hazard in subjecting him to a further trial of the same issue for which final judgment has been had in his favor.

"Rights secured by judgment cannot be divested." Wade on Retroactive Laws, Sec. 171, Page 203. First Black on Judgments page 373, 374, 375, Sec. 298, Black on Constitutional Prohibitions, Sec. 497, page 250, 251, 252, Sec. 198, page 252, 253.

Statutes authorizing the opening of judicial decisions impairs vested rights and infringes on the judicial department of the government, Sec. 199, page 253, Black on Constitutional Law, page 259, Sec. 99, goes further and says: "A case which has been submitted for decision is not subject to any control by a legislature." Southernland on Statutory Construction,

Sec. 480, page 626, is conclusive on this point.

For further argument petitioner says that the evidence of himself and W. L. Trott show that he left all his household goods, effects, a farm and town lots within the limits of the Cherokee Nation; he has never become a citizen of any other government but has always regarded the Cherokee Nation as his home and has only absented himself because of the ill health of himself and wife and therefore has not forfeited his citizenship. Under Sec. 2, Art. 1, of the Constitution of the Cherokee Nation which says in words as follows: "Whenever any citizen shall remove with his effects out of the limits of this nation and become a citizen of any other government all his rights and privileges as a citizen of this nation shall cease." *Elks vs. Wilkins*, 112, U. S. page 643, L. C. P. Co. Edition.

I therefore respectfully submit that applicant and his wife are entitled to enrollment as citizens of the Cherokee Nation.

Respectfully submitted,

Wm. P. Thompson,

Atty for Applicant.

ENDORSEMENTS))))

Copy. D-389. In re application of John Ross Trott and wife for enrollment as a Cherokee citizen. Brief of Applicant.
Wm. P. Thompson, Atty for applicant.

(COPY)

Cherokee D- 389.

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

In the matter of the application of John R. Trott for the enrollment of himself as a citizen by blood of the Cherokee Nation and for the enrollment of his wife, Emma A. Trott, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on September 23, 1900, John R. Trott appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Emma A. Trott, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 26, 1901, February 28, and October 29, 1902.

The records of the Commission show that on September 7, 1896, John R. Trott filed with the Commission his petition for admission to citizenship in the Cherokee Nation as a Cherokee by blood, under the Act of Congress, approved June 10, 1896, (29 Stats., 321); that on the same day Emma A. Trott filed with the Commission her petition for admission to citizenship in said Nation as an intermarried citizen, under the Act aforesaid; that on November 24, 1896, the said John R. Trott was admitted to citizenship in the Cherokee Nation as a citizen by blood, and the said Emma A. Trott, was, on said November 24, 1896, admitted to citizenship in said Nation as an intermarried citizen, under the provisions of the Act of Congress aforesaid, and that no appeal was taken from the decision of the Commission.

The evidence further shows that the said John R. Trott, and his wife, Emma A. Trott, moved from the Cherokee Nation to the State of Illinois, about January, 1898, and that neither of them have resided in said Nation or Indian Territory since that time.

Paragraph nine, Section twenty-one of the Act of Congress, approved June 28, 1898, (30 stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of John R. Trott as a citizen by blood of the Cherokee Nation, and for the enrollment of Emma A. Trott as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tans Bixby,
Acting Chairman.

T. B. Needles,
Commissioner

C. R. Breckinridge,
Commissioner

Muskogee, Indian Territory,

this Dec. 10, 1902.

(COPY)

Cherokee B. 389

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John R. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Emma A. Trott, as a citizen by intermarriage, of the Cherokee Nation, including the Commission's decision, dated December 10, 1902, rejecting said application.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 364.

(COPY)

Cherokee B 389.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Joan R. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Emma A. Trott, as a citizen by intermarriage, of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Enclosure H. No. 363.

(COPY)

Cherokee D-389

Luskogee, Indian Territory, December 19, 1902.

W. P. Thompson,
Attorney for John R. Trott, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of John R. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Emma A. Trott, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 10, 1902, rejecting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in
Charge.

Register.

Enclosure H. No. 362.

(COPY)

Cherokee D-389

Muskogee, Indian Territory, December 19, 1902.

John M. Trott,
Virden, Illinois.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting your application for the enrollment of yourself as a citizen by blood, and for the enrollment of your wife, Emma A. Trott, as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, W. P. Thompson, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the supplementary proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Enclosure H. No. 361.
Register.

D-389

Post-Op

Refer in reply to
the following:
Land
76077-1902.

Copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, Jan. 16, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had in the matter of the application of John Ross Trott, for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Emma A. Trott, as a citizen by intermarriage of the Cherokee Nation.

On December 10, 1902, the Commission rendered a decision in this case, finding that the applicant and his wife moved from the Cherokee Nation to the State of Illinois, about January 1898, and that neither of them have resided in said Nation or Indian Territory since that time, and that paragraph nine of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), providing:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship", is applicable in this case and that the application herein should be denied.

The record evidence shows that the applicant is 63 years old, that his post-office address is Verden, Illinois, that he was married to his present wife, a white woman, in 1868, that the applicant and his wife have resided in the Indian Territory since their said marriage, of diverse times, in all about eleven years.

The record states that on September 7, 1896, John R. Trott filed with the Commission his petition for admission to citizenship in the Cherokee Nation as a Cherokee by blood, under the Act of Congress, approved June 10, 1896 (29 Stats., 321) and that on the same day his said wife likewise made application under said Act for admission to citizenship as an intermarried person; that on November 24, 1896, the said John R. Trott and his said wife were, by the Commission admitted to citizenship in said Nation, certificates of admission issued to them, and no appeal taken from said decision. From that date till the passage of the Act of Congress of June 28, 1898, the said John R. Trott and wife were recognized citizens of the Cherokee Nation, unless such citizenship was forfeited by their own act.

The only authority given the Commission to again investigate the right of these applicants to citizenship in the Cherokee Nation is that part of Section 21, of the said Act of 1898, providing "and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto and their descendants born since such rolls were made with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is not claimed that the certificates of citizenship held by these applicants were obtained by fraud or without authority of law and the only reason assigned for the refusal of their enrollment is the fact that they left the Cherokee Nation in January, 1898, and moved to Illinois where they have since resided. Since they left the

Cherokee Nation they were duly admitted citizens thereof and left their effects in the Nation so as not to lose their rights to citizenship by reason of Cherokee law.

The Act of June 28, 1898, had not been passed, and when passed, it made no provision for notice to those persons who claimed citizenship therein and resided without the Territory nor did it provide any time within which they might return and thereby maintain their citizenship. It did provide that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship." These applicants had removed to the Cherokee Nation and been granted certificates of citizenship therein by the Commission in 1896, and remained there until January 1898. Now at what particular time between January, 1898, and June 28, 1898, must these applicants have again removed to said Nation to preserve their rights of citizenship therein. The provision itself fixes no time unless taken literally and construed to be an arbitrary rule that was to take effect on said June 28, 1898. This view has not heretofore been taken by the Department, nor has any time limit been fixed thereby. In view of the fact that adjudications are constantly arising in which this same question comes up, the office suggests that some construction be had of said provision fixing the time when such removal must have been made to carry with it the rights of citizenship if such right is alone dependent on removal.

In the case at hand the office considers that applicants have not lost their right to be enrolled as citizens of the Cherokee

Nation and recommends that the decision of the Commission herein be set aside and the parties enrolled.

Very respectfully,

W. A. JONES,

Commissioner.

D.C. 23143-1903.

DEPARTMENT OF THE INTERIOR.

CAR.

ITD 450-1903.

WASHINGTON.

August 14, 1903.

L.R.S.

The Commission

to the Five Civilized Tribes.

Gentlemen:

January 16, 1903, the Commissioner of Indian Affairs submitted the Cherokee enrollment case of John Ross Trott and wife, Emma A. Trott, and recommended that your decision adverse to the applicants be not approved. A copy of his letter is inclosed.

It is directed that you advise the applicants and the attorney for the Cherokee Nation of the recommendation of the Indian Office, and that 30 days from the date of said notice will be allowed in which to file any argument they may desire, and that a copy of such argument must be served upon the opposite party. See your letter of December 19, 1902 (Cherokee D. 382).

Respectfully,

H. W. Miller,

Acting Secretary.

(COPY)

Cherokee D-389

Muskogee, Indian Territory, August 29, 1903.

John R. Trott,
Verdon, Illinois.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of August 14, 1903, in the matter of your application for the enrollment of yourself as a citizen by blood and for the enrollment of your wife, Emma A. Trott, as a citizen by intermarriage of the Cherokee Nation.

In accordance with the instruction contained in said letter you are advised that you will be allowed thirty days from date of this notice in which to file with the Commission, for transmission to the Secretary of the Interior, any argument you may desire. You will be required to furnish the attorney for the Cherokee Nation a copy of your argument.

Respectfully,

Chairman.

Enc. D-197

(COPY)

Cherokee D-389

Muskogee, Indian Territory, August 29, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tallequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of August 14, 1903, in the matter of the application of John R. Trott for the enrollment of himself as a citizen by blood and for the enrollment of his wife, Emma A. Trott, as a citizen by intermarriage of the Cherokee Nation.

In accordance with the instruction contained in said letter you are advised that you will be allowed thirty days from the date of this notice in which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire. You will be required to furnish the applicant with a copy of said argument.

Respectfully,

Chairman.

Enc. D-199.

(COPY)

Cherokee D-389.

Muskogee, Indian Territory, August 29th, 1903.

W. P. Thompson,

Attorney for John R. Trott et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of August 14, 1903, in the matter of the application of John R. Trott for the enrollment of himself as a citizen by blood and for the enrollment of his wife, Emma A. Trott, as a citizen by intermarriage of the Cherokee Nation.

In accordance with the instruction contained in said letter you are advised that you will be allowed thirty days from the date of this notice in which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire. You will be required to furnish the attorney for the Cherokee Nation a copy of said argument.

Respectfully,

Chairman.

Enc. D-198.

(COPY)

Cherokee D-389

Muskogee, Indian Territory, October 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of August 14, 1903, (ITD. 450-1903), there is herewith transmitted argument of the attorneys for the applicants in Cherokee D-389, John R. Trott, et al.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-9

(COPY)

Cherokee D-389

Muskogee, Indian Territory, October 2, 1903.

W. P. Thompson,
Attorney for John R. Trott et al.,
Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of September 25, enclosing argument in Cherokee D-389, John R. Trott, et al., and said argument has this day been transmitted to the Secretary of the Interior.

Respectfully,

Chairman.

D.C. 4934-1904

JVW JHW

I.T.D. 6203, 8013
8415--1903.

DEPARTMENT OF THE INTERIOR.

WCP, FLS

WASHINGTON.

February 6, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have considered the proceedings of your Commission upon the application of John Ross Trott for enrollment of himself as a citizen by blood of the Cherokee Nation and for enrollment of his wife Emma A. Trott as a citizen by intermarriage. Your Commission found that:

The records of the Commission show that on September 7, 1896, John R. Trott filed with the Commission his petition for admission to citizenship in the Cherokee Nation as a Cherokee by blood, under the Act of Congress approved June 10, 1896 (29 Stats., 821); that on the same day Emma A. Trott filed with the Commission her petition for admission to citizenship in said Nation as an intermarried citizen, under the Act aforesaid; that on November 24, 1896, the said John R. Trott was admitted to citizenship in the Cherokee Nation as a citizen by blood, and the said Emma A. Trott was, on said November 24, 1896, admitted to citizenship in said Nation as an intermarried citizen, under the provisions of the Act of Congress aforesaid, and that no appeal was taken from the decision of the Commission.

The evidence further shows that the said John R. Trott and his wife, Emma A. Trott, moved from the Cherokee Nation to the State of Illinois about January, 1898, and that neither of them have resided in said Nation or Indian Territory since that time.

Paragraph nine, section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is therefore the opinion of this Commission that the application for the enrollment of John R. Trott as a citizen by blood of the Cherokee Nation, and for the enrollment of Emma A. Trott as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

The testimony shows that Mr. Trott was born a Cherokee citizen about 1839, but at a time not stated, apparently during the war of 1861-1865; left the nation and married Emma A. Trott, a white woman, at Virden, Illinois, in 1867, after which he returned to the nation, about 1877, and lived there with his wife for seven years. They again left the nation about 1884. Prior to 1896, apparently between 1884 and 1896, he was in California, "in the Interior Medical Department of the Government." They returned to the nation in 1893 or 1894, and resided at or near Vinita until January, 1898, since which time they have resided elsewhere, and at the time of taking the testimony they were residing at Virden, Illinois. He was upon the Cherokee pay roll of 1894. His admission by your Commission, November 24, 1896, not appealed from by the nation, or reversed established his right until it was proven to be erroneous, or that his citizenship was afterward lost or forfeited. The testimony shows that when he left the last time he left stored with his brother two or three wagon loads of personal effects -

consisting of household fixtures and furniture, cooking utensils, stoves, canned fruit, etc. They were stored at my brother's,

William M. Trott, and still remain there. I have a farm there, it is rented out all the time. I have town lots here and I considered this my home always. I left the country temporarily only, on account of my health and my wife's health. My wife had very poor health here. I calculated to come back to the country.

He also left his farm and town property in his brother's charge. These facts are not disputed, the evidence on behalf of the ^{being} nation directed to show that he had not returned after January, 1898, and was not resident of the nation June 28, 1898. It is clear also that the decision of your Commission rested solely upon provision quoted from the act of June 28, 1898 (30 Stat., 495, 503).

For reasons heretofore given by the Department the provision quoted had no such purpose, but applied only to such claimants to rights in the nation as had not before its passage established residence in the nation. Mr. Trott's case is not within the letter of the act. He was born in the nation, and thereby, before passage of the act, his settlement in the nation was established. He appears to have maintained his residence there for over twenty years. He was allowed to appropriate to his own use and improve communal lands, which he continued, even in his absences, to make productive. Several wagon loads of household goods and personal belongings were left there for the very purpose of showing, as he testifies, that he did not mean to expatriate himself and had not severed himself from the Nation.

While Congress by section 1999 of the Revised Statutes has declared the right of expatriation to be the "natural and inherent

right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness," yet the exercise of such right requires the voluntary act of the individual, exercised under some law of the government whose allegiance is thrown off. It was held by the court in Shanks et al. V. Dupont ET AL. (3 Peters, 242, 246,) that:

The general doctrine is, that no person can, by any act of their own, without the consent of the government, put off their allegiance and become aliens.

The same doctrine was announced in Santissima Trinidad (7 Wheaton, 283, 347-8). The Constitution of the Cherokee Nation Art. 1, sec. 2, has in this respect provided:

That whenever any citizen shall remove with his effects out of the limits of this nation and become a citizen of any other government, all his rights and privileges of this nation shall cease.

It is not shown that Mr. Trott did remove his effects or that he became a citizen of any other government. The evidence fails to establish either one of the two necessary propositions. Admit that Congress in the plenitude of its power over the affairs of the Indian nations could establish a different rule, it is sufficient for all the purposes of these cases to say that they do not come within the letter of the act invoked by the Cherokees for the expatriation of one of their fellow citizens, for before the act Mr. Trott was settled in good faith within the nation. His ancestors, and for a considerable part of his life he, himself, were identified with the nation, co-operating in its development and progress, and

after his personal removal his property has remained co-operating to the same end. A construction of the act to effect the result contended for would ^{necessarily} have to be an enlarged and extended one beyond its letter. No notice or time for an absent citizen's return was given. The right of citizenship in the Cherokee Nation is valuable, aside from its political and purely notional aspect. It is contrary to established rules for statutory construction to enlarge the meaning of an act beyond its terms, to effect a forfeiture of rights.

It is the common right of all Cherokees born to the allegiance of the Cherokee Nation to remain Cherokee citizens. It is a canon of statutory construction that statutes in derogation of common right must be construed strictly. Black's interpretation of laws, paragraph 115, Ed. 1896; Southerland on Statutory Construction, section 366, Ed. 1891. No law previously made it unlawful for a member of the Cherokee Nation to reside apart from the nation among white settlements. The trend of former legislation was to save rights to members of the Indian nations so doing. See acts of February 8, 1887 (24 Stat., 388), of August 9, 1888 (25 Stat., 392); and of June 7, 1897 (30 Stat., 90). It is not permissible to wander from established rules for statutory construction in pursuit of a supposed intent, neither expressed in the act nor in similar acts upon the

-6-

same subject, merely to work a forfeiture of rights not forfeited by the letter of the act.

The action of your Commission is therefore disapproved, and the applicants will be enrolled.

Very respectfully,

(signed) E. A. Hitchcock

Secretary.

I.T.D.
6203-8013
8413-1903

572
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WLG

DEPARTMENT OF THE INTERIOR
OFFICE OF THE ASSISTANT ATTORNEY GENERAL
WASHINGTON.

February 9, 1904.

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

Gentlemen:

In connection with departmental decision of February 6, 1904, in the case of John R. Trott and his wife, Emma A. Trott, your attention is called to the fact, February 24, 1903, the Department at request of counsel for the Cherokee Nation, referred to the Court of Claims the question of the right of citizens by intermarriage "to participate in the distribution of any of the common property of the Cherokee Nation of whatever kind or character." That question is still pending in the court and undetermined.

March 4, 1903, your Commission were directed:

Until action is taken by said court you are requested not to transmit any cases involving the enrollment of any intermarried Cherokee citizens, and it is not deemed advisable to issue any certificates of allotments to intermarried white citizens until their right to share in the common property shall have been finally determined.

You will therefore issue no certificate of allotment to Mrs. Trott until final determination of the question of the right of intermarried citizens.

Respectfully,

(signed) E. A. Hitchcock

Secretary.

Cher 10376

Mary E. Forbes

Cher 10376

CHITAUDE 10376

May 6 1884

Sept 25 1884

App'te. denied enrollment

1884

OFFICE

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., November 21, 1900.

In the matter of the application of Mary E. Roberts for the enrollment of herself and sisters as Cherokee citizens; being sworn and examined by Commissioner Breckinridge she testified as follows:

- Q Give your full name? A Mary E. Roberts.
Q How old are you? A 18 1/2 years old.
Q What is your postoffice? A Chelsea.
Q Do you live in Cooweescoowee District? A Yes, sir.
Q For whom do you apply for enrollment? A Myself and three sisters.
Q They are minors, are they? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A This week since last Monday.
Q Just a few days? A Yes, sir.
Q Have you ever been admitted to citizenship by the Cherokee Commission?
A No, sir.
Q Has your father been admitted? A (No answer, but applicant produces papers).
Q Give me the name of your father? A Alexander P. Roberts.
Q Is he a Cherokee or a white man? A White man.
Q Is he dead or alive? A Alive.
Q Give me the name of your mother? A My mother is dead; Emma E. Roberts.
Q Was she a Cherokee? A Yes, sir.
Q How long since she died? A 10 years.
Q Com'r: The applicant presents a duly authenticated certificate showing that on the 14th day of June 1887 Emma E. Roberts was admitted to citizenship as a Cherokee by blood;
Q That is the name of your mother? A Yes, sir.
Com'r: And the certificate also shows that at the same time Mary E. Roberts, aged at that time four years, was admitted to citizenship.
Q That is your name, is it? A Yes, sir.
Com'r: This is recognized as official evidence of the applicant's admission at the time stated, and the admission of her mother, now deceased; this document is filed with the application.
Q Where were you living at the time you and your mother were admitted?
A We were living in Georgia.
Q Was your father dead at that time? A No, sir.
Q He died since then? A No, sir, father is not dead.
Q Your father is alive now, but your mother is dead? A Yes, sir.
Q Did your father or mother ever come to the Cherokee Nation after your mother's admission in 1887? A No, sir, they never came at all.
Q Did you ever come to the Cherokee Nation? A No, sir, I have never been here at all until the last few days.
Q You are still a minor? A Yes, sir.
Q Of course you are not on any roll? A No, sir.
Q Have you come here now for the purpose of making your home? A Yes, sir.
Q Have you relatives here? A Yes, sir. I am a niece of Mr. Marion Roberts of Chelsea.
Q Do you intend to make this your home? A Yes, sir.
Q Give me the names of your sisters? A Estelle C. Roberts.
Q How old is she? A She is 16 years old.
Q The next sister? A Fannie L. Roberts.
Q How old is she? A 14.
Q The next sister? A Lucy M. Roberts.
Q How old is she? A 12.
Com'r: The name of Estelle C. Roberts is also identified on the certificate of admission previously referred to; her age at that time was 2 years, and the name of Fannie L. Roberts is likewise identified on the certificate; her age at that time being one year.
Q Where are your sisters, Estelle and Fannie, at this time? A They are in this place, Chelsea.
Q And your sister, Lucy, where is she? A She is here too.
Q They came with you a few days ago? A Yes, sir.
Q Is it the purpose of all three of your sisters to make their home here? A Yes, sir.

Mary E. Roberts et al. 2.

Q And all four of you come here now for the purpose of staying at this time and from this time forth? A Yes, sir.

Q With whom do you expect to live? A We will live with our uncle and cousins for a while.

Q Does your father expect to come here? A Well no, I don't guess he does; not that I know of.

Q Have you no brothers? A No, sir.

Q You have an uncle here? A Yes, sir, Mr. Marion Roberts.

Q Is he here in the house? A Yes, sir, there he is right there.

MARION ROBERTS, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give your name? A Marion Roberts.

Q How old are you? A 57.

Q How long have you lived in the Cherokee Nation? A Nearly eight years.

Q You are an uncle of this young lady, Mary E. Roberts? A Yes, sir.

Q She states that she and three sisters have recently come to the Cherokee Nation for the purpose of making it their home? A Yes, sir.

Q Do you consider it reasonable under the circumstances that they should make it their home here instead of with their father? A I think it is for this reason, I have been trying to get them here for several years.

Q Why have you thought it advisable for them to come here? A Because their interests were here.

Q Their interests were here rather than in Georgia? A Yes, sir.

Q What interests have they here? A They are Cherokees by blood and have been once recognized as citizens by that certificate, and my family moved here, and they have the same right.

Q That's another question; I am talking about why their interests are here rather than in Georgia. A Because they are Cherokee citizens.

Q Hasn't their father a home for them in Georgia? A He hasn't a home I don't think of his own.

Q Has he married since the death of their mother? A Yes, sir.

Q And has some children by the second wife? A Yes, sir.

Q Is he a property owner in Georgia? A I don't know; he is not in Georgia now.

APPLICANT RECALLED:

Applicant: He is not in Georgia now, he is in North Carolina.

Q Does he own his home there? A No, sir, I don't think he does.

Q What is his business there? A He is superintendent of a Tar Company; he is manager of the business.

Q Is he not providing you with a comfortable support there in North Carolina? A Yes.

Q Have you not many advantages there that you would not have here?

A Well no, the advantages there are not such as we would have here.

Q The social advantages are as great there? A No, sir, not where they are.

Q Is your father a large property owner? A No, sir, he has no property at all.

Q Has he a large income? A No sir, not a large one.

Q What income has your father? A Seventy-five dollars a month.

Q That's all? A Yes, sir.

Q What children has he by his second wife? A Three little ones.

Q And all of them dependent upon that seventy-five dollars a month for support? A Yes, sir.

Q No other means of support? A No, sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself and three sisters; they are all miners; it is shown by the certificate of admission filed herewith that her mother and herself and her two elder sisters, Estelle C. and Fannie L. Roberts, were all admitted to citizenship as Cherokees by blood in 1887; the mother never came to the Cherokee Nation, nor did either of the three minor children come to the Cherokee Nation until within the last few days; and there has come birth to the youngest child, Lucy E. Roberts, who was born since the admission of her mother; hence of the present applicants are upon any roll of the Cherokee Nation, but for the further consideration of their rights as miners they will all four be placed at this time upon a doubtful card, and the final decision of the Commission will be made known to the applicant at her post-office address; the testimony is referred to for full statement of the facts and purposes as relates to this case.

E. A. Green, being first duly sworn, states that as regards to the testimony of the Five Civilized Tribes in connection with the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes taken.

E. A. Green

Subscribed and sworn to before me this 25th day of November 1900.

T. E. Neelley,

Commissioner.

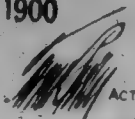
I, the undersigned, a Commissioner to the Commission for the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the evidence taken in the above case.

Robert E. Neelley

B.

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

FILED
NOV 21 1900



ACTING CHAIRMAN

Department of Agriculture, Bureau of Indian Affairs

CHEROKEES BY BLOOD AND ADOPTION.

Date Nov 31 1900 1900.

Name Charles J.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen Disputed

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District Parents of Alex. P. Roberts - w - l Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen Luna C. " - c - l

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Mary C. Roberts ✓ Dist. _____ Year _____ Page _____ No. _____ Age 18

Leah C. " ✓ Dist. _____ Year _____ Page _____ No. _____ Age 16

Ann L. " ✓ Dist. _____ Year _____ Page _____ No. _____ Age 14

Lucy M. " ✓ Dist. _____ Year _____ Page _____ No. _____ Age 12

Dist. _____ Year _____ Page _____ No. _____ Age _____

Disputed Dist. _____ Year _____ Page _____ No. _____ Age _____

Disputed Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

~~Wm. J. Roberts~~

19

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DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FILED
FEB 24 1902

~~RECEIVED~~
ACTING COMMISSIONER

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Musgrave 23 2/24/02

Received of the Commission to the Five Civilized Tribes

one copy of the testimony in the matter of the application of

Mary E Roberts

for enrollment as

Cherokee Freedmen.

No. 2860

S. P. Seaworth
Agent for applicant

Supl.-C.D.#860.

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

SUPPLEMENTAL in the matter of the enrollment of MARY E. ROBERTS
as a citizen of the Cherokee Nation.

The applicant in this case, Mary E. Roberts, was notified by registered letter February 19, 1902, that her application for the enrollment of herself and sisters as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 11th day of March, 1902, appears by their Agent, J. N. Nequichie.

Mr. W. W. Hastings, Cherokee Representative, present.

The Agent for the Applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

J.O.R.

Supl.-C.D.#860.

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

SUPPLEMENTAL in the matter of the enrollment of MARY E. ROBERTS
as a citizen of the Cherokee Nation.

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Mr. W. W. Hastings, Cherokee Representative, present.

The Agent for the Applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.



J.O.R.

Commissioner.

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

In the matter of the application of Mary E. Roberts for the enrollment of herself and her sisters, Estelle C. Roberts, Fannie L. Roberts and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

DECISION/

The record in this case shows that on November 21, 1900 Mary E. Roberts appeared before the Commission at Chelsea, Indian Territory and made personal application for the enrollment of herself and her sisters, Estelle C. Roberts, Fannie L. Roberts and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

The evidence shows that the applicants are minors and Cherokees by blood; that their mother, Emma E. Roberts, now deceased, was also a Cherokee by blood, but their father, Alexander P. Roberts, is a white man. Said Emma E. Roberts and all of these applicants, except Lucy M. Roberts, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on the 14th day of June, 1867. Said Lucy M. Roberts was born subsequent to said date.

The evidence further shows that said Emma E. Roberts and her husband, Alexander P. Roberts, never moved to and settled in the Cherokee Nation after said admission to citizenship; that their children, the applicants herein, lived with them from the date of their birth until the death of their mother, since which time they have resided continuously in Georgia and North Carolina with their father, until within a few days previous to the date of this application when they came to the Cherokee Nation, and claim to have made settlement therein.

The 9th paragraph of Section 21 of the Act of Congress, approved June 20, 1898 (30 Stat. 498), provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary E. Roberts, Estelle C. Roberts, Fannie L. Roberts and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____ James Bixby
Acting Chairman.

_____ T. B. Needles
Commissioner.

_____ C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory.

this September 20, 1903.

(COPY)

MARRIAGE LICENSE

United States of America,)
Indian Territory,) ss.
Northern District.)

No. 729

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Heraby Comanded to solemnize the Rite and publish the
Banns of Matrimony between Mr. W. C. Forbes of Chelsea, in the
Indian Territory, aged 34 years, and Miss Mayne E. Roberts of
Chelsea, in the Indian Territory, aged 21 years, according to law,
and do you officially sign and return this License to the parties
therein named.

WITNESS my hand and official seal at Vinita, Indian Territory,
this 22nd day of October, A. D. 1902

(Signed) Chas A Davidson
Clerk of the U.S. Court.

By T. A. Chandler Deputy.

(SEAL)

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,) ss.
Northern District.)

I, L. C. Wolfe, a Minister of the Gospel, DO HEREBY CERTIFY,
that on the 22 day of October, A. D. 1902, I did duly and according
to law as commanded in the foregoing License, solemnize the Rite and
publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 22 day of Oct., A. D. 1902.

My credentials are recorded in the office of the Clerk of the
United States Court, Indian Territory, Northern District, Book C,

Page 159.

(Signed) L. C. Wolfe,

A Minister of the Gospel.

CERTIFICATE OF RECORD.

United States of America, }
Indian Territory, } ss.
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 3 day of November 1902, at _____ M., and duly recorded in Book A, Marriage Record, Page 167.

WITNESS my hand and seal of said Court at Vinita, in said Territory this 5 day of November, A. D. 1902.

(Signed) Chas A. Davidson Clerk.

By _____ Deputy.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I made the foregoing copy and that the same is a true and correct copy of the original now on file in this office.

H. M. Vance

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F. L. B. D.

NOV 24 1902

ACTING COMMISSIONER

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP.

OFFICE OF COMMISSION ON CITIZENSHIP,

Tahlequah, Cherokee Nation.

To all Whom it May Concern--Greeting:

This is to certify that the following named, to-wit: Emma E. Roberts female age 30 years. Mary E. Roberts female age 4 years. Estella C. Roberts female age 2 years. Fannie L. Roberts female age 1 year did, pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 14 day of June 1887; that the proof submitted by the above named Emma E. Roberts in support of her said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council--and that, by virtue of such finding effect by the Commission, and in conformity with the Fourteenth Section of said act, the above named parties (applicants for citizenship) are from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said parties accordingly.

In Witness Whereof, I hereunto sign my name, as Chairman of the Commission, on this the Fourteenth day of June 1887.

(Signed) J. T. Adair,

Chairman Com. on citizenship.

Henry Kiffert

Clerk Com. on Citizenship.

R. O. Trent,
Asst. Ex. Sect'y C. N.

Approved and endorsed:
(Signed) D. W. Bushyhead,
Principal Chief C. N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., November 24, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

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


Notary Public.

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COMMISSIONER OF THE
MAY 20 1908

... ..

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., May 16, 1903.

In the matter of the application of Mary E. Roberts for the enrollment of herself and sisters, Estelle G., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

MARY

It appears that this case was reopened by the Secretary of the Interior on March 23, 1903; the principal applicant, Mary E. Forbes, nee Roberts, now appears before the Commission and desires to submit further testimony in support of her application.

Mary E. Forbes, being duly sworn, and examined by the Commission, testified as follows:

- Q State your name? A Mary E. Forbes.
Q How old are you? A Twenty years old.
Q What is your postoffice? A Chelsea, Indian Territory.
Q You are a Cherokee by blood, are you? A Yes sir.
Q You have heretofore made application to this Commission for enrollment? A Yes sir.
Q Who did you make application for besides yourself? A For my three sisters, Estelle G., Fannie L. and Lucy M. Roberts.
Q How old is Estelle now? A Nineteen.
Q Is she just a year younger than you? A My next birthday is in just a few days and I will be twenty-one.
Q How old is Fannie? A Seventeen.
Q And Lucy? A Fourteen.
Q Where were you born? A In Duluth, Georgia.
Q When did you come to the Cherokee Nation? A In November, 1900.
Q Three years ago next November? A Yes sir, came here the 9th of November.
Q Were you admitted to citizenship in the Cherokee Nation? Were you admitted by the Cherokee authorities as a citizen of the nation?
A Yes sir. I had my certificate.
Q When was that? A In '87.
Q Was your father admitted at that time? A No sir, but my mother was.
Q Your father is a white man? A Yes sir.
Q Your mother was Emma E.? A Yes sir.
Q Was she admitted with you? A Yes sir.
Q You were at that time about four years old? A Yes sir.
Q About the time of your admission? A Yes sir.
Q None of your family came before 1900, did they? A I think my mother was here before that, but it was when I was very small, I don't remember anything about that.
Q I mean after your admission in '87? A I don't know.
Q After 1887 did any of you come to the Cherokee Nation before 1900? A None of us children did; I don't know whether my mother did or not.
Q Who were you living with? A My mother and father.
Q You would know? A I guess mother didn't come at that time or after that time.
Q The first time you came after your admission was in 1900? A Yes sir, 1900.
Q Did your mother come with you? A No sir, my mother has been dead for thirteen years.
Q She died shortly after she was admitted, did she? A Yes sir.

2- Mary E. Roberts et al.

- Q Is your father living? A Yes sir.
- Q Did he come with you in 1900? A No sir, we came alone.
- Q Is your father still back in Georgia? A He is still back there; he is in North Carolina at present.
- Q He has never lived in the Cherokee Nation, has he? A No sir.
- Q Were you living with your father at the time you left Georgia to come here? A Yes sir. When I came here I ~~was~~ didn't come from Georgia, I came from North Carolina.
- Q You were living there with your father? A Yes sir.
- Q How long had you been living in North Carolina? A We had been living there four years.
- Q Now, how did you come to move to the Cherokee Nation? A Well, I came here hoping of proving my rights here and making this my home.
- Q And brought your three sisters along with you? A Yes sir.
- Q Where did you come to? A Chelsea.
- Q Did you have relatives there? A Yes sir.
- Q Who? A Marion Roberts. He is my father's brother and his wife is my mother's sister. I have three aunts here.
- Q Your aunts are Cherokees? A Yes sir.
- Q And you came directly to Chelsea? A Yes sir.
- Q And have been living there ever since? A My baby sister is living there, and Estelle and Fannie are with my father at his home.
- Q In North Carolina? A Yes sir. They went there because it was cheaper for father to keep them there than to board here.
- Q How long were they here? A Nine months.
- Q And since that time they have been with their father in North Carolina? A Yes sir.
- Q What does your father do in North Carolina? A He is Superintendent of a mining company, General Manager he is.
- Q Have you any property in the Cherokee Nation? A No sir, we haven't any yet until it is given to us, but we have an allotment selected. We have it picked out.
- Q How much Cherokee blood do you have? A One-sixteenth.
- Q Did your father and mother ever talk about coming to the Cherokee Nation? A Well, I don't know, because when my mother died I was too small to remember very much about it.
- Q Did your father ever talk to you about it? A Yes sir, my father has spoken frequently of bringing us to the Cherokee Nation.
- Q Your mother died about 1890, didn't she? A Yes sir.
- Q Had your uncle been trying to persuade you to come to the Cherokee Nation for some time before you came? A Yes sir, for quite a while.
- Q Did your father marry again after your mother's death? A Yes sir.
- Q When, do you know? A He was married in 1892, I think.
- Q Is your step-mother living? A Yes sir.
- Q Living there in North Carolina with your father? A Yes sir.
- Q And you were about eighteen years old when you came here? A Yes sir.
- Q You came to the Cherokee Nation intending to live there always and make your home there, did you? A Yes sir.
- Q Have you ever been back to North Carolina? A No sir, I have never been back since I came here.
- Q Your sister, Lucy, has been living with you ever since you came, has she? A Yes sir, she never has been back either. And my other two sisters intend coming here just as soon as we can find out about whether we will be enrolled or not. My little sister has been here in school with me.
- Q What do you do in the Cherokee Nation? A Why, I am just living at home with my husband.
- Q When were you married? A I was married on the 22nd of last February.
- Q What is your husband's full name? A Willie S. Roberts.

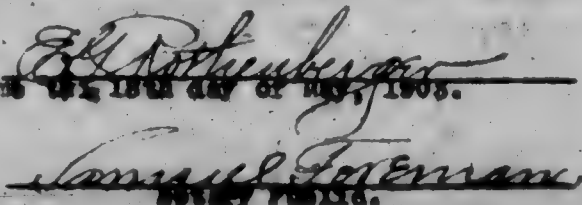
3-Mary E. Roberts et al.

- Q Your husband is a Cherokee? A No sir.
Q White man? A Yes sir.
Q He is not a citizen, is he? A Well, he has been living here all the time.
Q He doesn't claim citizenship? A No sir.
By W. V. Hastings: When did you first come to the Cherokee Nation? A The 19th of November, 1900, was the day I arrived in the territory.
Q What is the exact date of your birth? A The fourth of June.
Q What year? A 1882.
Q You were eighteen in June before you came here in November? A Yes sir.
Q Did your father come with you? A No sir, we came alone, - myself and sisters.
Q Been here continuously since that time? A No, --- I have been here all the time.
Q That was your first trip to the Cherokee Nation? A Yes sir.
Q You had never lived in the Cherokee Nation prior to November, 1900? A No sir.
Commission: You don't know whether your father ever intended to come out here or not? A Well, I don't know; he has spoken frequently of bringing us out here.
Q Of bringing you out here? A Yes sir, and himself also.
Q He hasn't a business of his own, has he? A No sir, he works for a salary.
W. V. Hastings: What does he do? A He is General Manager for a Mining Company in North Carolina.
Commission: What did he do in Georgia? A He was Superintendent for a Land Company in Georgia, in and around Atlanta, Georgia.
W. V. Hastings: Is your mother dead? A Yes sir.
Q When did she die? A The 28th of July, 1890.
Q Did your father remarry? A Yes sir.
Commission: You made your home with your father and step-mother for about eight years before you came out here? A Yes sir.
Q You and your sisters also? A Yes sir.
Q Your father provides for this younger sister of yours? A Yes sir. I also have an affidavit stating why the children are with my father.
Q Have you a marriage certificate? A Yes sir.
Q Have you it with you? A Yes sir.
Q Leave it here and we will send it back? A All right.

Applicant states she has no further testimony to offer.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of May, 1905.


Samuel Foreman
Notary Public.

(R 712)
JaoDEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary E. Roberts for the enrollment of herself and sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on November 21, 1900, Mary E. Roberts appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of herself and sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation. On September 20, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval and the Department approved said decision on October 23, 1902. Under date of April 3, 1903, the Department returned the record in said case for readjudication and further proceedings in the matter of said application were had at Tahlequah, Indian Territory, May 16, 1903.

The evidence shows that all of the applicants herein are Cherokees by blood and that all of said applicants, except Lucy M. Roberts, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on the 14th day of June, 1857, together with their mother, Emma E. Roberts, at which time the said applicants were minors; that the said Lucy M. Roberts was born subsequent to the date of said admission.

The evidence further shows that all of the applicants herein removed to and located in the Cherokee Nation in November, 1900, at which time all of said applicants were minors, except the said Mary E. Roberts, who had reached her majority a few months prior to said removal; that all of said applicants have continuously resided in the Cherokee Nation since their removal thereto, with the exception of the said Estelle C. and Fannie L. Roberts who have been temporarily residing in North Carolina with their father, it appearing that their intention has been to return to said Cherokee Nation.


The evidence further shows that the said Mary E. Roberts has been married to one William C. Forbes since the date of her original application.

Cherokee D #860

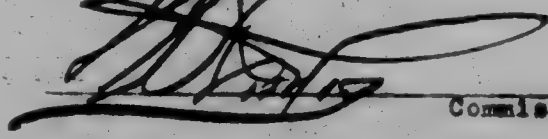
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It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Ora M. Camp et al., I. T. D. 1418-1903, that the said Mary E. Forbes, nee Roberts, Estelle C. Roberts, Fannie L. Roberts and Lucy M. Roberts should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

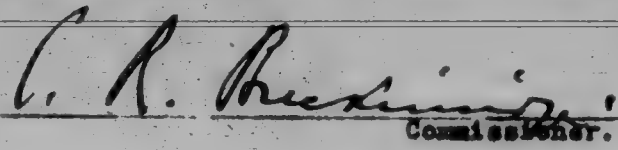
COMMISSION TO THE FIVE CIVILIZED TRIBES.



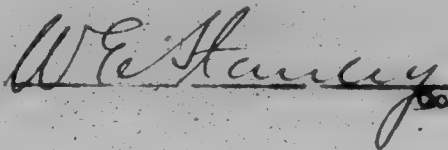
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

this SEP 18 1904

DEPARTMENT OF THE INTERIOR

In the matter of the application of Mary R. Roberts for the enrollment of herself and sisters, Estelle C., Fannie T. and Lucy J. Roberts, as citizens enrolled of the Cherokee Nation.

Motion to reopen, review and reverse.

Comes now the Cherokee Nation and respectfully represents that the decision of the Commission to the Five Civilized Tribes dated September 18, 1903, upon the application of the applicants herein, except Lucy J. Roberts, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on the 14th day of June, 1897, and that Lucy J. Roberts was born subsequent to the date of said admission. And the evidence herein shows that all of the applicants herein removed to and located in the Cherokee Nation in November, 1890, and that previous to that time they were residents of the State of Georgia and not residents of the Cherokee Nation. Under the decision of the Assistant Attorney General John Frank L. Campbell, dated December 2, 1900 (D. C. #3214-1900), clearly these applicants are not entitled to be enrolled. They were enrolled by the Commission on September 18, 1903, under the erroneous impression that the act of June 25, 1896, did not apply to minors. In the opinion of the Assistant Attorney General hereinbefore referred to the following language is used:

"As to the second request, I am unable to see that any distinction can be made between adults and minors who failed to locate permanently in the Nation. While minors are exempted from operation of the act of the Cherokee National Council of December 4, 1894, no such exception in their favor has been made by any act of Congress. The act of June 25, 1896 (30 Stat., 495, 503) among other things provided that 'no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.' This provision is in the nature of both a limitation and a condition precedent to the right claimed, and is similar in purpose and effect to the limitation considered by this office in the opinion of June 8, 1901, in cases of Nancy B. Smith and Lottie B. Adams. As nothing existed in the legislation of Congress exempting minors or insane persons from its operation the limitation was held to operate upon them. The provision now under consideration is entirely analogous; it was held operative against adults by my opinions of December 20, 1903 in case of Allie Williams and of March 12, 1904 in case of Mary L. Strickland, and, as to minors that is the necessary implication and effect of my opinion of June 15, 1906 in the case of Alice L. Owens."

Further on the opinion concludes as follows:

"I am therefore of opinion that the rule established in the decision in the case of Mary T. Strickland and Alice Williams as to adults and by necessary inference held applicable to children by the opinion of Alice T. Owens is the proper one and should be followed."

In other words, the decision of the Assistant Attorney General in the above case holds that the act of June 28, 1906, applies to minors as well as adults, and that no person, including a minor, should be enrolled who had not prior to June 28, 1906, removed to and inhabited a settled place in the Nation in which he claimed citizenship.

Now, there is no contention in this case but that none of the parties herein removed and located in the Cherokee Nation until sometime, 1900. The evidence and the decision of the Commissioner so finds. For the reasons hereinabove assigned: First, that the decision of the Commission to the Five Civilized Tribes was contrary to the law, and, second, that inasmuch as, in the opinion of the Assistant Attorney General hereinabove referred to, the Cherokee Nation respectfully moves that the case be reopened, reviewed and reversed, and that the Commission to the Five Civilized Tribes be directed to strike their names from the final roll prepared for citizens of the Cherokee Nation by blood.

Respectfully Submitted,

Attorney for the Cherokee Nation.

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

FILED

May 4 1905

~~_____~~ CHAIRMAN.

R. W. WRIGHT
REGISTER OF DEEDS
SWAIN COUNTY.

BRYSON CITY, N.C.

April 24 1905

This is to Certify that
A. J. Cunningham here and Fannie
L. Roberts was married on the
9th day of April 1905,

Witness my hand and official
Seal, the day and year first
above written

R. W. Wright
Reg of Deeds Swain, N.C.

Card #10376

376

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

FILED

May 9 1905



CHAIRMAN.

R. W. WRIGHT
REGISTER OF DEEDS
SWAIN COUNTY.

BYRSON CITY, N. C. *June 27th 1905*

I *R. W. Wright* Register of Deeds of Swain County, N. C. do hereby Certify that *Estella L. Roberts*, was married to *Hill H. Higgins*, on *October 20th 1904*

As shown by the record of my office
Witness my hand and official seal
in office at *Byrson City N. C.* on
the day and year above written.

R. W. Wright
Register of Deeds

FILED
MAY - 8 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, May 8, 1906.

In the matter of a discretionary allotment to Estelle C. Wiggins, nee Roberts, Cherokee citizen roll No. 30863, Field Card No. 10376.

W. C. Forbes, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A W. C. Forbes.
Q What is your postoffice address? A Chelsea.
Q What is your age? A 27.
Q Do you claim any rights to citizenship in the Cherokee Nation?
A No sir.
Q Is your object in appearing before the Auxiliary Cherokee Land Office today to select an allotment for Estelle C. Wiggins?
A Yes sir.
Q What relation are you to her? A Brother-in-law.
Q How old is she? A 21 I believe, to the best of my knowledge.
Q Does she reside in the Indian Territory? A Not at present.
Q Where is she living now? A Living at Whittier, North Carolina.
Q Has she authorized you to select an allotment for her in the Cherokee Nation? A Yes sir.
Q Why is it that she cannot appear in person and select her allotment? A She is in delicate condition.

Witness offers affidavit, dated April 25, 1906, of ren A. M. Bennett, M. D., in which he stated that he is personally acquainted with Estelle C. Wiggins, and that he is her physician, and knows her to be unable to appear in person before the Commission of the Five Civilized Tribes in Indian Territory to take her allotment of lands in the Cherokee Nation.

Witness also offers power of attorney executed by Estelle C. Wiggins, dated April 21, 1906, in which she authorizes W. C. Forbes, brother-in-law, to select an allotment for her in the Cherokee Nation.

- Q Has she been notified to appear before the Commission within a certain time? A Yes sir.
Q Have you that notice with you? A No sir, I haven't. I sent it to her but for some reason she has not returned it.
Q Is the land that you desire to have allotted to her under improvement and in cultivation? A Yes sir, most of it.
Q Does it lie west of the Grand river? A Yes sir, in Co-co-see-see district.
Q Has anyone ever before this time appeared at a land office of the Commission to select an allotment for her? A No sir.
(WITNESS EXHIBIT)

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled case and that the foregoing is a correct transcript of her stenographic notes thereof.

Sworn and subscribed to before me this 8th day of May, 1906.

Blanch Ashton
[Signature]

FILED

MAY - 8 1975

COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, May 8, 1905.

In the matter of a discretionary allotment to Estelle C. Wiggins, nee Roberts, Cherokee citizen roll No. 30853, Field Card No. 10376.

W. C. Forbes, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A W. C. Forbes.
Q What is your postoffice address? A Chelsea.
Q What is your age? A 27.
Q Do you claim any rights to citizenship in the Cherokee Nation?
A No sir.
Q Is your object in appearing before the Auxiliary Cherokee Land Office today to select an allotment for Estelle C. Wiggins?
A Yes sir.
Q What relation are you to her? A Brother-in-law.
Q How old is she? A 21 I believe, to the best of my knowledge.
Q Does she reside in the Indian Territory? A Not at present.
Q Where is she living now? A Living at Whittier, North Carolina.
Q Has she authorized you to select an allotment for her in the Cherokee Nation? A Yes sir.
Q Why is it that she cannot appear in person and select her allotment? A She is in delicate condition.

Witness offers affidavit, dated April 25, 1905, from A. M. Bennett, M. D., in which he stated that he is personally acquainted with Estelle C. Wiggins, and that he is her physician, and knows her to be unable to appear in person before the Commission of the Five Civilized Tribes in Indian Territory to take her allotment of lands in the Cherokee Nation.

Witness also offers power of attorney executed by Estelle C. Wiggins, dated April 21, 1905, in which she authorizes W. C. Forbes, brother-in-law, to select an allotment for her in the Cherokee Nation.

- Q Has she been notified to appear before the Commission within a certain time? A Yes sir.
Q Have you that notice with you? A No sir, I haven't. I sent it to her but for some reason she has not returned it.
Q Is the land that you desire to have allotted to her under improvement and in cultivation? A Yes sir, most of it.
Q Does it lie west of the Grand river? A Yes sir, in Coe-wee-see District.
Q Has anyone ever before this time appeared at a land office of the Commission to select an allotment for her? A No sir.

(WITNESS EXHIBIT)

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled case and that the foregoing is a correct transcript of her stenographic notes thereof.

Sworn and subscribed to before me this 8th day of May, 1905.

Blanch Ashton

C

10860

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1902

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1902.

Mrs. Mary B. Roberts,

Chelsea, Indian Territory,

Sir:-

You are hereby notified that the application of yourself,, Estelle C., Fannie L., and Lucy M. Roberts

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-860
Register.

Yours truly,

Acting Chairman

Commissioner in Charge.

COPY

Muskogee, Indian Territory, September 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Mary E. Roberts for the enrollment of herself and her three sisters, Estelle G., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Sam C. Dixby
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 15.

COPY

Cherokee D 860.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Mary E. Roberts for the enrollment of herself and her three sisters, Estelle C., Fannie L. and Lucy H. Roberts, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Dixby

Acting Chairman.

Enc. C. No. 14.

Cherokee D 860.

COPY.

Muskogee, Indian Territory, September 22, 1902.

J. R. Sequichie,

Agent for Mary E. Roberts, et al.,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Mary E. Roberts for the enrollment of herself and her three sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. C. No. 13.

Acting Chairman.

Register.

COPY

Cherokee D 860.

Muskogee, Indian Territory, September 22, 1902.

Mary E. Roberts,
Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself and your three sisters, Estelle G., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. 2, No. 12.

Register.

Acting Chairman.

COPY.

Refer in reply
to the following:
Land.
57701-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Mary E. Roberts for the enrollment of herself and her sisters, Estelle C., Fanny L. and Lucy M., as citizens by blood of the Cherokee Nation.

Applicants are all minors; the mother, Emma R. Roberts is dead; and the father, Alexander Roberts, is a white man. All of the applicants except Lucy M. Roberts were admitted to citizenship in the Cherokee Nation on June 14, 1887, said Lucy M. Roberts having been born subsequent to that date.

The record shows that Emma E. Roberts and her husband never moved to the Cherokee Nation and settled therein, and that their children, the applicants herein, lived with them from the date of their birth until the death of their mother a few days previous to the date of the application when she came to the Cherokee Nation and claim to have located therein.

The Commission refused to enroll the applicants because they were not residents of the Cherokee Nation.

The office believes the Commission's action was correct and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,
Acting Commissioner.

WCY
D

3 inclosures.

D. C. No. 20104-1902.

I. T. D. 6153.
6505-1902.

WHR.

Department of the Interior,
Washington.

R. S.

October 23, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

September 22, 1902, you submitted the case involving the application for enrollment of Mary E. Roberts, Estelle C. Roberts, Fanny L. Roberts and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

Submitting the case October 7, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed.

It appears, as stated in your decision, that the applicants are minors; that their mother, Emma E. Roberts, now deceased, was a Cherokee by blood, and their father, Alexander P. Roberts, a white man; that Emma E. Roberts and the applicants (except Lucy M. Roberts) were admitted to citizenship in said Nation in 1887; that Lucy M. Roberts was born subsequent to that date; that Emma E. Roberts and her husband never settled in the Cherokee Nation after admission to citizenship; that said children lived with their parents until the death of their mother, since which time they have resided in Georgia and North Carolina with their father, until just previous to the date of their ap-

plication for enrollment, when they came to the Cherokee Nation,

In view of paragraph 9 of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), you rejected the application September 20, 1902.

Since the receipt of the case argument has been filed by local attorneys for the claimants.

Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

KMD.

1 inclosure.

COPY

Cherokee D 860.

Muskogee, Indian Territory, November 11, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Mary B. Roberts for the enrollment of herself and her three sisters, Estelle C., Fannie L. and Lucy H. Roberts, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 25, 1902.

Respectfully,

Tams Kirby.
Acting Chairman.

COPY

Cherokee D 240.

Muskogee, Indian Territory, November 11, 1902.

J. R. Sequichie,

Agent for Mary E. Roberts et al,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Mary E. Roberts for the enrollment of herself and her three sisters, Estelle G., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 23, 1902.

Respectfully,

Elroy
Acting Chairman.

COPY.

Cherokee D 340.

Muskogee, Indian Territory, November 11, 1902.

Mary E. Roberts,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself and your three sisters, Betelle C., Fannie L. and Lucy H. Roberts, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 25, 1902.

Respectfully,

James E. Kirby
Acting Chairman.

Cher. D 269

Muskogee, Indian Territory, November 24, 1902.

Mary E. Roberts,
Chelsea, Indian Territory.

Dear Madam:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application, a certificate from Cherokee Commission on citizenship, readmitting you among others on June 14, 1887 to citizenship in the Cherokee Nation.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enc. N 8

D.C. 8400-1903

DEPARTMENT OF THE INTERIOR.

J.P.

FHE

WASHINGTON.

I.T.D. 6153-1902
2667-1903

March 23, 1903.

LRS

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

Gentlemen:

March 12, 1903, the attorneys for Mary E. Roberts et al., requested that the case involving her application et al., for enrollment as citizens of the Cherokee Nation be reopened, in which case a decision adverse to the claimants was rendered by the Department October 23, 1902, as the points of law involved in said case are similar to those involved in the case of Joseph D. Yeargain et al., and that you be directed to withhold from allotment the lands embracing the improvements of the applicants.

The application to reopen the case is hereby granted, in order that a reexamination of the matter may be had in the light of the opinion of March 16, 1903 in the Yeargain case, and it is directed that you take proper steps to protect all rights the applicants may have until further advice in the matter.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

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

ALLISON L. AYLESWORTH,
SECRETARY

REFER IN REPLY TO THE FOLLOWING

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

Cherokee D-868.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 1, 1903.

P. G. Reuter,

Clerk in Charge, Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of March 23, granting the motion of the attorneys for the applicants to reopen the case of Mary E. Roberts, et al., whose application for enrollment as citizens of the Cherokee Nation has heretofore been rejected by the Commission and the decision approved by the Department on October 23, 1902.

Your special attention is called to the last paragraph of this copy of the Department's letter, in which the Commission is directed to take proper steps to protect all the rights the applicants may have until further advice in the matter. Until further orders, therefore, you will treat this case as a pending application and will protect the rights of the applicants accordingly.

Respectfully,



Chairman.

Enc. M-486.

D.C. 9841-1903.

DEPARTMENT OF THE INTERIOR.

J.P.
FHE.

I.T.D. 6163-1902.
2667, 1903.
3436- "

WASHINGTON.

L.R.S.

April 3, 1903.

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

gentlemen:

On October 23, 1902, the Department affirmed your decision rejecting the application of Mary E. Roberts for the enrollment of herself and her sisters, Estelle C. Roberts, Fannie L. Roberts and Lucy M. Roberts, as citizens by blood of the Cherokee nation, as they were not residing in the Nation on June 28, 1898, and as the act of that date provides that

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The testimony was taken and your decision was rendered, under a different understanding of said provision of the act of June 28, 1898 from that expressed by the Department in the cases of Clement G. Clarke and Elizabeth C. Payne of March 17, 1903, and in the opinion of the Assistant Attorney General of March 16, 1903 in the Yeargain case.

It appears that the applicants are minors and Cherokees by blood; that their mother, Emma E. Roberts, now deceased, was also a Cherokee, and their father, Alexander P. Roberts, is a white man;

that Emma E. Roberts and these applicants, except Lucy M. Roberts, were duly readmitted to citizenship in the Cherokee Nation in 1857; that Lucy M. Roberts was born about 1838; that Emma Roberts and her husband never removed to and settled in the Cherokee Nation after said admission to citizenship; that their children lived with them from the date of their birth until the death of their mother, since which time they have resided continuously in Georgia and North Carolina with their father, until within a few days previous to the date of the application in this case, when they came to the Cherokee Nation and claim to have made settlement therein. It does not appear that the applicants have ever had any "effects" in the Cherokee Nation.

Upon motion for review the Department has reconsidered the case and in view of said opinion of the Assistant Attorney General and said decision of the Department, the case is remanded for further proceedings and readjudication in the light of said opinion and decision.

The testimony and papers attached thereto are inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee R-748

Muskogee, Indian Territory, April 18, 1903.

J. R. Squichie,

Agent for Mary E. Roberts, et al.,

Chelsea, Indian Territory.

Dear Sir:

You are hereby notified that the motion made to reopen the application of Mary E. Roberts, et al., for enrollment as citizens of the Cherokee Nation was granted by the Secretary of the Interior on April 3, 1903.

Any further testimony which you may have to introduce tending to establish the rights of these applicants to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Evidence is particularly required as to the residence of the applicants in the Cherokee Nation.

Respectfully,

Chairman.

Cherokee L-742

Muskogee, Indian Territory, April 17, 1903.

Mary E. Roberts,
Chelsea, Indian Territory.

Dear Madam:

You are hereby notified that your motion made to receive, for the purpose of taking further testimony, your application for the enrollment of yourself and family as citizens of the Cherokee Nation, was granted by the Secretary of the Interior on April 9, 1903.

You are advised that any further testimony you may have to introduce tending to establish your rights, and the rights of your family, to enrollment as citizens of the Cherokee Nation, can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Evidence is particularly required as to your residence in the Cherokee Nation.

Respectfully,

Chairman.

GRS

Cherokee B-742

Muskogee, Indian Territory, April 17, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 3, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking further testimony, the application of Mary E. Roberts, et al., for enrollment as citizens of the Cherokee Nation.

Evidence is particularly required as to the residence of the applicants in the Cherokee Nation, and the principal applicant and her agent have this day been notified that any further testimony which they may have to introduce can be presented before the Cherokee Land Office of this Commission on or before May 15, 1903.

Respectfully,

Chairman.

CHS

Cherokee B-742

Wahleogah, Indian Territory, July 2, 1903.

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

Gentlemen:

In the matter of the application of Mary E. Roberts
(nee Mary E. Parks) et al. for enrollment as citizens of the
Cherokee Nation, B-742, there is transmitted for your consideration
the original record in said case, together with supplemental
testimony of May 18, 1903, the case having been reopened by order
of the Department on March 25, 1903.

Applicant states that she has no further evidence to
submit.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

1 enc.
237.

COPY:

Cherokee D-800

(R. 742)

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for the enrollment of Mary E. Forbes, Estella C., Fannie L. and Lucy L. Roberts, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Jame Birba

00P

Cherokee D-860
(R-742)

Muskogee, Indian Territory, October 14, 1903.

J. R. Sequoia,
Agent for Mary E. Forbes, et al.,
Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of supplemental proceedings had in the matter of the application of Mary E. Forbes, nee Roberts, for the enrollment of herself and her three minor sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision dated September 18, 1903, granting said application. You have heretofore been furnished with a copy of the record of the proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission has been informed of the same.

Respectfully,

Tammie Bixby

Chairman.

Encl. V-3
Register.

COP

Cherokee D-880
(R-742)

Muskogee, Indian Territory, October 14, 1903.

Mary E. Forbes,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated September 18, 1903, granting your application for the enrollment of yourself and your three minor sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your agent, J. R. Bequithie, Chelsea, Indian Territory, a copy of the record of proceedings had in the original application and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission has been informed of the same.

Respectfully,

Tame Bixby

Encl. V-2.
Register.

Chairman.

COPY.

Cherokee D-860
(R-742)

Muskogee, Indian Territory, October 14, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 3, 1903 (I.T.D. 6153-1902; 2667, 3436-1903), there is herewith transmitted the record of proceedings had in the matter of the application of Mary E. Forbes, nee Roberts, for the enrollment of herself and her three minor sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, including the Commission's decision dated September 18, 1903, granting said application.

Respectfully,

James Dixby.

Encl. V-4.

Chairman.

Through the Commissioner
of Indian Affairs.

Refer in reply
to the follow-
ing: Land
67513/1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, January 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated October 14, 1903, transmitting the record relative to the application of Mary B. Forbes (nee Roberts) for the enrollment of herself and her three minor sisters, Estelle C., Fannie L. and Lucy M. Roberts as citizens of the Cherokee Nation.

The record in this case shows that all the applicants herein are of Cherokee blood and that they were all except Lucy M. Roberts admitted to citizenship in the Cherokee Nation by the duly constituted authorities June 14, 1887, when her mother, Emma B. Roberts was admitted.

Lucy M. Roberts was born after the date of the admission of her mother and sisters.

All of the applicants removed to the Cherokee Nation in November 1900 and all of them were at that time minors except

Mary E. Roberts. Mary E. Roberts was a few months over eighteen years of age at the time she removed to the Nation. They have all resided in the Cherokee Nation since their removal with the exception of Estelle C. and Fannie L. Roberts, who have been residing temporarily in North Carolina with their father, but from the record it appears it is their intention to return to the Cherokee Nation.

Mary E. Roberts was married to W. C. Forbes October 22, 1902.

The Commission in its decision refers to the Department's decision in the case of Ora L. Camp and others and holds that Mary E. Forbes (nee Roberts), Estelle C., Fannie L. and Lucy M. Roberts are entitled to enrollment as citizens by blood of the Cherokee Nation.

From the record in the case it is believed by the office that the decision of the Commission is correct and its approval is recommended.

Very respectfully,

A. C. TOWNER,

Acting Commissioner.

CAW/IM
3 enclosures.

D.C. 4945-1904.
I.T.D. 6055, 6090-1902.
6153, 6505 "
2667, 3436-1903.
924-1904.

(Copy)

J.P.
PHE.

LRS.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, February 8, 1904.

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

Gentlemen:

The Department has considered the case involving the application of Mary E. Forbes (formerly Roberts), for the enrollment of herself and her three minor sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, received with your letter of October 14, 1903.

It appears that all the applicants are Cherokees by blood and that all of them except Lucy E. Roberts were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on June 14, 1887, together with their mother, Emma E. Roberts, at which time the said applicants were minors, except Lucy E. Roberts, who was born subsequent to the date of said admission. All of the applicants removed to and located in the Cherokee Nation in November 1900, at which time they were all minors except said Mary E. Forbes, formerly Roberts, who was about 18 1/2 years of age. All of the applicants have continuously re-

--2--

sided in the Cherokee Nation since their removal thereto except Estelle C. and Fannie E. Roberts, who have been temporarily residing in North Carolina with their father, it appearing that their intention has been to return to the Cherokee Nation.

September 18, 1903, referring to the decision of the Department of March 25, 1903, in the case of Ora M. Camp, et al., you held that the parties were entitled to enrollment under section 21 of the act of June 28, 1898 (30 Stat., 495).

Reporting in the matter January 30, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in. A copy of his letter is inclosed.

Finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

(signed) THOS. RYAN,

Acting Secretary.

1 inclosure.

Cherokee R-742.

Muskogee, Indian Territory, February 19, 1904.

Mary E. Forbes,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated September 18, 1903, granting your application for the enrollment of yourself and your three sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904.

Respectfully,

Commissioner in Charge.

Cherokee R-742

Muskogee, Indian Territory, February 19, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 18, 1903, granting the application of Mary E. Forbes for the enrollment of herself and her three sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904.

Respectfully,

Commissioner in Charge.

Cherokee R-742

Muskogee, Indian Territory, February 19, 1904.

J. R. Sequichie,

Agent for Mary E. Forbes et al.,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 18, 1903, granting the application of Mary E. Forbes for the enrollment of herself and her three sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904.

Respectfully,

Commissioner in Charge.

Muskegee, Indian Territory, April 24, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are advised that motions have been filed by the
Attorney for the Cherokee Nation for a review of Departmental
decisions in the following Cherokee enrollment cases:

Cherokee 10884
Cherokee 10886
Cherokee 10937
Cherokee 10976
Cherokee 10259

Robert E. Halston
Volney B. Boon
Frank Boon
Mary E. Roberts, et al.
Ora M. Bonds, et al.

The names of these persons appear upon the partial
roll of citizens by blood of the Cherokee Nation approved by
the Secretary of the Interior, and you should take proper
steps to see that the issuance of certificates, and the prep-
aration of deeds, describing the land selected as their allot-
ments, is withheld until further ordered.

Respectfully,

SHL

Commissioner.

Muskogee, Indian Territory, May 29, 1906.

The honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith a motion made by the Attorney for the Cherokee Nation to "reopen, review and reverse the Cherokee enrollment case of Mary E. Roberts, et al.

November 21, 1900, Mary E. Roberts (now Yerkes) appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and sisters, Estelle G., Fannie L., and Lucy W. Roberts, as citizens by blood of the Cherokee Nation. The Commission, on September 20, 1902, rejected said application, and on October 23, 1902 (I.T.D. 6153, 6505-1902), said decision was duly affirmed by the Department. Thereafter on April 3, 1903 (I.T.D. 1436-1903), the Department rescinded its decision of October 23, 1902, and remanded the case to the Commission for further hearing and readjudication, and on September 16, 1903, the Commission rendered its decision granting the right to enrollment as citizens by blood of the Cherokee Nation to all of said applicants, which decision was, on February 8, 1904 (I.T.D. 872-1904),

Secretary--2.

duly affirmed by the Department. The names of the applicants appear upon a schedule of citizens by blood of the Cherokee Nation approved by the Department June 11, 1904, opposite Nos. 30852 to 30855 respectively.

The Cherokee Nation claims that under the provisions of the Act of Congress approved June 28, 1906 (34 Stat., 495), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship. . . ."

the applicants are not entitled to enrollment as citizens of the Cherokee Nation and their application as such should be rejected.

The record in the case shows that the applicants, Mary E. Roberts (Forbes), Estelle C. Roberts, and Jennie L. Roberts, were, with their mother, Emma E. Roberts, admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on June 14, 1887; that the applicant, Lucy E. Roberts was born since the date of said admission; that the said Emma E. Roberts and her husband, Alexander P. Roberts, non-citizen father of said children, never removed to and settled in the Cherokee Nation after said admission to citizenship; that the applicants lived with their father from the date of their birth until the death of their mother about 1890.

Secretary--3.

since which time they lived continuously in Georgia and North Carolina with their father until in November, 1900, a few days prior to the date of the application for enrollment when they came to the Cherokee Nation and settled therein, and that all of said applicants have since that time continuously made their home in the Cherokee Nation except the applicants, Estelle C. and Fannie L. Roberts, who it appears have temporarily resided with their father in North Carolina.

Under the decisions of the Department in the cases of Mary L. Strickland, et al., of March 12, 1906 (I.T.D. 934-1906), and January 4, 1906 (I.T.D. 18214-1906), Dock Davis, et al., of January 3, 1906 (I.T.D. 10726, 18214-1906), Hubert Henry et al., of January 3, 1906 (I.T.D. 10072, 18214-1906), and Nellie Walker Litten, et al., of January 3, 1906 (I.T.D. 18258, 18214-1906), it appears that the Nation's motion should be granted, and it is so recommended.

Respectfully,

Incl. 61-89.
OHL

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

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

LAND:
9959-1904.
47203-1906.

June 9, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a letter from the
Commissioner to the Five Civilized Tribes, dated May 29, 1906,
transmitting a motion to reopen, review, and reverse the
Cherokee citizen enrollment case of Mary E. Roberts, et al.

The record is also enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M. E.

(COPY)

D.C.43434-1906.

DEPARTMENT OF THE INTERIOR,

Y.P.

I.T.D.10686-1906.

WASHINGTON.

FHE.

L.R.S.

September 28, 1906.

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

Sir:

February 4, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes in favor of the applicants in the Cherokee enrollment case of Mary B. Roberts, now Forbes, Estelle C. Roberts, Fannie L. Roberts and Luck M. Roberts.

The Department has considered the motion by the attorney for the Cherokee Nation to reopen the case, submitted with your office letter of May 29, 1906, and Indian Office letter of June 9, 1906. In view of the approval of the opinions of the Assistant Attorney-General of December 28, 1905, in the case of Mary L. Strickland, and of December 24, 1905, in the case of Ora M. Bond and James M. Camp, and in accordance with your recommendation of May 29, 1906, the decision of the Department of February 8, 1904, is rescinded, and the applicants denied enrollment in the Cherokee Nation, as they had not removed to the nation or the Indian Territory prior to June 28, 1898. Their names have been stricken from the schedule, approved by the

Department, of citizens by blood of said nation opposite numbers 30852 to 30856 inclusive. You will so advise them and inform the Department whether allotments have been made to any of them and if so, as to its status. You will ascertain from the U. S. Indian Agent, Union Agency, whether any application of any kind has been filed in his office affecting any land that may have been allotted to any of these persons.

A copy of the Indian Office letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee-10376.

Muskogee, Indian Territory, October 16, 1906.

United States Indian Agent,
Union Agency,
Muskogee, Indian Territory.

Sir:

September 28, 1906, the Department rescinded its decision of February 8, 1904, granting the application for the enrollment of Mary E. Roberts (now Forbes), Estelle C., Fannie L. and Lucy M. Roberts as citizens by blood of the Cherokee Nation, and denied them the right to enrollment as citizens of said Nation; their names were stricken from the approved partial roll of citizens by blood of the Cherokee Nation opposite Nos. 30852 to 30855 inclusive, and this office directed to inform the Department whether allotments of land have been made to any of them, and if so, the status of same. It is also directed to ascertain from you whether any application of any kind has been filed in your office affecting any land that might have been allotted to any of these persons.

The records of this office show that the following described land has been designated as allotments in the Cherokee Nation for these persons:

Mary E. Forbes (enrolled as Mary E. Roberts), No. 30852:

S/2 of SE/4 of NE/4	Sec. 27,	Tp. 24 N.,	R. 16 E;
S/2 of SW/4 of NW/4	" 26,	" " "	" "
NW/4 of NW/4 of NW/4	" 16	" 25 "	" 18 "
S/2 of NW/4 of NW/4	" " "	" " "	" " "
SW/4 of NW/4 of SW/4	" 26	" 26 "	" 17 "

Estelle C. Wiggins (enrolled as Estelle C. Roberts), No. 30853:

SE/4 of SE/4 of Sec. 8,	Tp. 25 N.,	R. 15 E;
NE/4 of SE/4 of Sec. 17,	Tp. 25 N.,	R. 18 E;
SE/4 of NE/4 of SW/4 of Sec. 35,	Tp. 14 N.,	R. 22 E;

Fannie L. Cunningham (enrolled as Fannie L. Roberts), No. 30854:

SE/4 of SE/4 of Sec. 32,	Tp. 26 N.,	R. 17 E;
S/2 of NE/4 of SE/4 of Sec. 32,	Tp. 26 N.,	R. 17 E;
N/2 of SW/4 of SW/4 of Sec. 26,	Tp. 26 N.,	R. 17 E;
N/2 of NE/4 of SW/4 of Sec. 35,	Tp. 14 N.,	R. 22 E;
SW/4 of NE/4 of SW/4 of Sec. "	" " "	" " "
E/2 of NE/4 of NW/4 of Sec. 11,	Tp. 14 N.,	R. 19 E;

and Lucy M. Roberts, No. 30855:

SW 10 acres of Lot 3 of Sec. 4,	Tp. 25 N.,	R. 17 E;
SW/4 of NW/4	" " "	" " "
SE 10 acres of Lot 1 of	" 5 "	" " "
SE/4 of NE/4	" " "	" " "

It is requested that you advise this office whether any application of any kind has been made to you affecting any part of the above described land; if so, to advise the nature of the application and the status of the same.

Respectfully,

LE

Commissioner.

Cherokee-10376.

Muskogee, Indian Territory, October 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of Departmental letter of September 28, 1906, granting your motion for review of the Cherokee enrollment case of Mary E. Roberts (now Forbes), et al; rescinding its decision favorable to said applicants, and denying their applications for enrollment as citizens of the Cherokee Nation.

Respectfully,

Incl. 8-5
LS

Commissioner.

Cherokee-10376.

Muskogee, Indian Territory, October 17, 1906.

Mary E. Forbes,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that on September 28, 1906, the Department rescinded its decision of February 8, 1904, granting your application for the enrollment of yourself and sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, and denied the application for the enrollment of yourself and said sisters as Cherokee citizens.

For your information, there is inclosed herewith a copy of Departmental letter of September 8, 1906.

Respectfully,

Incl. 8-20
LS

Commissioner.

Cherokee-10376.

Muskogee, Indian Territory, October 17, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

There is inclosed a copy of Departmental letter of September 28, 1906, rejecting the application for the enrollment of Mary E. Roberts (now Forbes), Estelle C., Fannie L. and Lucy M. Roberts as citizens by blood of the Cherokee Nation, and striking their names from the approved partial roll of Cherokee citizens, opposite Nos. 30852 to 30855, inclusive.

As directed by the Department, the United States Indian Agent has this day been requested to advise this office whether or not any application of any character has been made to him affecting any part of the land selected as allotments in the Cherokee Nation for these persons, a description of the land selected being furnished him.

Respectfully,

Incl. 8-24
LS

Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Address only
The Secretary of the Interior.

January 19, 1909.

File 6-51

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 30, 1908, the Supreme Court rendered decisions in what are known as the Goldsby and Allison cases. These suits were brought to obtain mandates against the Secretary of the Interior to correct the rolls as to said Goldsby and Allison, on the ground that the Secretary of the Interior after placing their names upon approved rolls of citizenship had attempted to strike them from those rolls without notice and an opportunity to be heard. The decision of the Supreme Court is that mandate shall issue in these cases.

There are many suits of a similar nature pending against the Secretary of the Interior, and after careful conferences between this Department and the Department of Justice it was decided that judgment should be allowed in all pending mandamus actions in which the relations stand clearly in the same position as Goldsby and the Allisons. Pursuant to these

conferees and to the judgments which may be entered on an account of the above decisions of the Supreme Court, you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD PRIOR TO THE GOLDSBY DECISION INSTITUTED SUITS, THE PRINCIPLES OF WHICH ARE UNDOUBTEDLY SIMILAR TO THE OPINION OF THE SUPREME COURT IN THAT DECISION.

Chickasaw by Blood.

Roll No.	Name.	Suit No.	Court.
4984	Goldsby, John F.	248	U. S. S. C.
4985	Goldsby, Linnabi E.	50038	S. C. D. C.
4986	Goldsby, Beatie	50038	S. C. D. C.
4987	Goldsby, Murray E.	50038	S. C. D. C.
4969	Vaughan, Edward A.	373	U. S. S. C.
4970	Vaughan, Grover G.	373	U. S. S. C.
4971	Vaughan, Oscar S.	371	U. S. S. C.

Chickasaw by Intermarriage.

621	Adams, John Quincy	50038	S. C. D. C.
618	Lancaster, William T.	50038	S. C. D. C.
604	McCoy, Clay	49356	S. C. D. C.
623	Hagland, James W.	51028	S. C. D. C.
606	St. John, Thomas	50252	S. C. D. C.

Roll No.	Name	Roll No.	Court
306	Vaughan, Benjamin F.	375	U.S.S.C.
	Choptank Ex. Recd.		
15087	Adams, Wiley	50032	S.C.D.C.
16048	Autrey, Columbus S.	49782	S.C.D.C.
16046	Beaver, Gertrude	50032	S.C.D.C.
16041	Beaver, Clarence	50032	S.C.D.C.
16042	Beaver, Nellie	50032	S.C.D.C.
16043	Beaver, Myrtle	50032	S.C.D.C.
15917	Begles, Nellie F.	50032	S.C.D.C.
15911	Crowder, Van	50032	S.C.D.C.
15910	Crowder, Willie	50032	S.C.D.C.
15909	Crowder, Balsbol	50032	S.C.D.C.
15908	Crowder, Joe	50032	S.C.D.C.
15907	Crowder, Louise	50032	S.C.D.C.
15906	Crowder, George W.	50032	S.C.D.C.
16050	Green, Teddy	49724	S.C.D.C.
16049	Green, Lenora	49724	S.C.D.C.
16033	Howard, Thomas J.	50032	S.C.D.C.
16034	Howard, Harrod	50032	S.C.D.C.
16035	Howard, Lonnie	50032	S.C.D.C.
16036	Howard, Emory	50032	S.C.D.C.
16037	Howard, Elmer	50032	S.C.D.C.
16038	Howard, Nettie Emma	50032	S.C.D.C.
16039	Howard, Eva Lee	50032	S.C.D.C.
16040	Howard (or Richardson), W. J. Lee	50032	S.C.D.C.

Roll No.	Name	Roll No.	Grade
15452	James, Ellis E.	50033	S. C. D. C.
15453	James, Amlaurie	50033	S. C. D. C.
15454	James, Evaline	50073	S. C. D. C.
15461	James, Agass	50082	S. S. D. C.
15894	Kirk, Gabriella	50355	S. C. D. C.
15893	Kirk, Sarah	50355	S. C. D. C.
15900	Kington, Emma	51240	S. C. D. C.
15952	Kington, Frank	51240	S. C. D. C.
15645	Sumpter, John	50033	S. C. D. C.
15646	Sumpter, Amanda Isabella	50033	S. C. D. C.
15647	Sumpter, Jig Andy	51240	S. C. D. C.
15628	Sumpter, Sacti Taylor	50023 51240	S. C. D. C.
15649	Sumpter, Dixon E.	51240	S. C. D. C.
15913	Wright, Betsey	50033	S. C. D. C.
15913	Wright, Thomas E.	50033	S. C. D. C.
15914	Wright, Mary M.	50033	S. C. D. C.
15915	Wright, Leonard D.	50033	S. S. D. C.
<u>Children of Harrison</u>			
1397	Allen, Andrew J.	50033	S. C. D. C.
1405	Atwood, Chertey C.	50958	S. C. D. C.
1473	Beal, Andrew	50947	S. C. D. C.
4602	Dowling, Mary E.	51025 50033	S. C. D. C.

<u>Roll No.</u>	<u>Name</u>	<u>Roll No.</u>	<u>Grade</u>
1543	Carter, John W.	50584	S. C. D. C.
1464	Cummings, Henry A.	50092	S. C. D. C.
1334	Crowder, Parlee C.	50029	S. C. D. C.
1339	Harris, Calvia C.	49729	S. C. D. C.
1578	Howard, Carrie	50038	S. C. D. C.
1899	Kirk, J. W.	50354	S. C. D. C.
290	King, August	50028	S. C. D. C.
1027	Perkins, Hattie A.	50352	S. C. D. C.
1491	Ratchert, William	51026	S. C. D. C.
1400	Rice, Ambrose L.	274	S. C. H. C.
1423	Shultz (or Shalts), Fannie	51026	S. C. D. C.
1495	Shelton, John	50946	S. C. D. C.
1469	Sumpter, Jacob B.	50093	S. C. D. C.
340	Travis, Robert A.	50945	S. C. D. C.
1403	White, Angeline	51026	S. C. D. C.
662	Woodward, Charles A.	49494	S. C. D. C.

Minor Students.

Act of Congress Approved April 23, 1892.

367	Barnett, Effie	50033	S. C. D. C.
487	Beaver, Hazel Calvia	50022	S. C. D. C.
488	Beaver, Cleud D.	50023	S. C. D. C.
459	Herbert, Howard	50022	S. C. D. C.
474	Crowder, Nettie Myrl	50023	S. C. D. C.
685	Green, Lee	48726	S. C. D. C.
258	Wright, Annie Jane		S. C. H. C.

Character by Race.

Roll No.	Name.	Suit No.	Court.
31910	Allison, John	49484	S.C.D.C.
31960	Allison, Johnnie B.	49486	S.C.D.C.
31961	Allison, Frankie P.	49487	S.C.D.C.
31936	Allison, Ida B.	249	U.S.S.C.
31957	Allison, George A.	250	U.S.S.C.

A careful investigation of those names concerning which no suits were brought, but which, after being upon an approved roll of citizens or freedmen of any of the Five Civilized Tribes, were stricken therefrom without notice and an opportunity to be heard, has thus far developed a list which undoubtedly falls within the principles expressed by the Supreme Court in the Goldsby decision. All these persons are in the same position as those named in the above list of those who had filed suits prior to that decision. It follows necessarily that, if suits were instituted in these cases, judgment must be allowed as was done in the case of the names of the above list. For this reason I have decided that it would be improper to delay the completion of the rolls as far as those persons are concerned. Such delay would continue the rolls in an imperfect condition regarding the opinion of the Supreme Court, would bring hardship and expense upon the citizens and freedmen involved, and would delay completion of the work of the Commission to the Five Civilized Tribes.

The correction of the rolls in these cases does not add names to the rolls, but merely erases from the rolls interlineations and notations which the court says the Secretary of the Interior had no power to place there. For those reasons you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes: PERSONS WHO HAD NOT INSTITUTED SUITS PRIOR TO THE GOLDSBY DECISION BUT WHOSE CASES FALL INDUBITABLY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaw by Blood.

<u>Roll No.</u>	<u>Name</u>	<u>Roll No.</u>	<u>Name</u>
5018	Perry, Joe	5014	Perry, Willard

Chickasaw by Marriage.

428	Archard, John W.	429	Shanks, Mary A.
526	Hargis, Sallie J.	514	Ransay, Gustave A.

Choctaw by Blood.

16108	Allen, Elisabeth	16110	Crutchfield, Loufatis
16112	Bunzerner, George A.	16156	Crutchfield, Everett
15923	Crowder, John A.	16111	Crutchfield, Geo. V.
15924	Crowder, Pinkie B.	15450	James, Alice E.
15922	Crowder, Mattie B.	15972	Jennings, Arthur
15921	Crowder, Eli W.	15978	Jennings, Clyde
15928	Crowder, James	15916	Kelley, Abelle
15909	Crowder, Nancy Gertrude	14008	King, Jesse E.
15904	Crowder, John F.	15004	King, Joseph

Roll No.	Name.	Roll No.	Name.
15908	Crowder, William H.	18005	Long, Forbis
15902	Crowder, Ross	921	Long, Josephine Leflore
15901	Crowder, Maggie	922	Long, Jake Leflore
15900	Crowder, Abigail	9250	Peberworth, Henry
15899	Crowder, William J.	15928	Randall, Crower
16105	Crutchfield, Ida	16104	Ritter, David
16107	Crutchfield, Ime	15956	Robinson, Mary E.
16108	Crutchfield, Louvina	15951	Shelton, Daisy
16109	Crutchfield, William	15887	Trice, Mary A.

CHURCH BY MARRIAGE.

1486	Eagles, Allen	1416	McClure, Mattie
1537	Buchhelts, Jeanetta H.	1616	Stebey, Martha J.
1559	Choate, Ananda	1407	McMurry, Lucy
1412	Crowder, Lydia Ann	1850	Owe, Willie
1528	Crowder, Josephine	1410	Paxton, William B.
985	Foster, Mary A.	1406	Rabon, Robert L.
1481	Freemy, Mattie	1490	Reid, Ella
1489	Gann, William Newton	1478	Rigney, Anna E.
1818	Gray, John Calvin	1319	Roberts, George W.
1216	Gunter, Benjamin B.	1621	Robinson, Frederick R.
1480	Kelly, William F.	1368	Russell, Lucie E.
1476	Lewis, Wessy	1187	Saith, Joe L.
1180	Lindsay, Seldes T.	1488	Starks, John F.
1408	Merrymann, Sarah	648	Stithman, Nancy
1228	Mitchell, Virginia P.	1487	Tucker, William J.
1227	Mitchell, Mattie S.	248	Waters, William
1414	Morgan, Mary		

Minor Choctaw Citizens.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
734	Brambrick, Jennie Louise	791	Kiefer, Emma
4	Crowder, Rufus Clay	469	Long, Francis
790	Kiefer, Odie A.		

Choctaws by Blood.

21938	Allison, Elmer C.	21939	Allison, Jasper P.
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In order that the action of erasure may be uniform for all names and upon all rolls, you will make such erasures in the following manner: The lines drawn through and purporting to cancel the names from the rolls shall be lined out by drawing across them short transverse lines in red ink. The notations purporting to cancel the names from the rolls shall be lined out by drawing through each line of said notations red horizontal lines. In addition to lining out the interlineations and notations you will insert a note at the foot or side of each page containing any of these corrections, said note to be indicated by stars placed before the names involved. The note shall read as follows:

"Words and lines purporting cancellation caused by authority of departmental letter of January 19, 1908 (File 5-41)."

You will notify all persons whose status on the rolls has been recognized as above of the action taken, and that they have all the rights to allotment and payments enjoyed by other citizens, no though no attempt had ever been made to cancel their names from the rolls.

Except for the Allison names in above lists, I am not ready to give you a list of the Cherokee and Creek whose status upon the rolls will be corrected upon the principles of the Goldsby decision. Direction concerning them will follow within a week.

There are other names which were upon approved rolls and were erased or stricken therefrom by the Secretary of the Interior without notice. Some of these are already the subject of injunction or mandamus actions against the Secretary of the Interior, and in other cases such action has not been instituted. There are reasons which make it doubtful whether those persons fall indubitably under the principles of the Goldsby decision. Careful consideration of the matter will be given at once, and, according to the decision reached in each case, the persons involved will be left to such court action as they deem wise or will have the rolls corrected by departmental action in the manner indicated for the two lists set forth above.

A stamp has been enclosed, showing the method of procedure to be followed by all officers in the correction of the rolls.

Very respectfully,

Secretary.

J. E. L.
DEPARTMENT OF THE INTERIOR,

WASHINGTON.

January 26, 1909.

File 2-21.

SIR,

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

SIR:

January 26, the Department direct you as follows:

Discontinue action to erect lines and stations
under Departmental letter January nineteen until you re-
ceive letter which follows.

You were directed to suspend action as provided
in said telegram, in order that the Department might issue
further instructions modifying the directions contained in
Departmental letter of January 15, 1908, (File 2-21), where-
in you were authorized to erect certain interlineations and
stations which appear upon the approved rolls of siting-
ship of the Five Civilized Tribes in connection with the
cases of John A. Goldsby, and others.

Since the implementation of January 19 was suspended
at the time, the Department has found that the names of certain
persons were included in said letter of January 15, 1908,
without justification. This mistake was due to the erroneous
information that the names of such persons had been
submitted. None of the names, however, the only

schedules upon which their names appear having been disapproved by the Department. The names of the persons thus inadvertently included in the letter of January 19, 1900, will be found on pages 7 and 8 of said letter, and are as follows:

<u>Roll No.</u>	<u>Choctaws by blood</u>	<u>Names.</u>
16103		Elizabeth Allen
16112		George A. Bungarner
16110		Louitia Crutchfield
16104		Everett Crutchfield
16111		George W. Crutchfield
16103		Ira Crutchfield
16127		Ima Crutchfield
16108		Louvinia Crutchfield
16109		William Crutchfield
921		Josephine LaFlora Long
922		Jake LaFlora Long
16104		David Ritter,

Of course, no action should be taken under the circumstances looking to the removal of interlineations or notations, if any there be, from disapproved schedules containing the names of these persons.

It may be that there are other similar cases which

have not as yet been discovered. If so, you should take care that no error be made as to such, and advise the Department immediately thereof.

Very respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

DEPARTMENT OF THE INTERIOR,

Washington

GWW

File 5-51.

January 26, 1909.

"SEED DIRECT".

Sir:

Supplemental to Departmental letter of January 19, 1909, (File 5-51), and pursuant to the principles laid down by the Supreme Court in the Goldsby and Allison cases, you are hereby authorized and directed to erase the interlineations and notations which purport to strike from the citizenship rolls in your custody the following names of citizens of the Cherokee and Creek Nations, these names having been on the approved rolls and having been stricken therefrom without notice to the persons affected:

Persons who had not instituted suits prior to the Decision of the Supreme Court of November 30, 1908, in the case of John K. Goldsby, but whose cases fall within the Principles of that Decision.

Cherokees By Blood.

30,852	Roberts, Mary E.
30,853	Roberts, Estelle G.
30,854	Roberts, Fannie L.
30,855	Roberts, Lucy M.

Creeks By Blood.

10,011	Barber, E. F.
10,077	Barber, Richard E.

Checks by Check, Continued.

9,965 Keifer, Mary O.
9,966 Keifer, Cora
9,967 Keifer, Rosa
9,968 Keifer, Melvina
✓ 9,969 Keifer, Benjamin L.
9,970 Keifer, Carrie
9,972 Keifer, Henry Clay
9,971 Keifer, Stanford

Checks,

Act of April 26, 1906.

355 Barber, May F.
✓ 385 Barber, Richmond B.
384 Barber, Emily B.

It is desired that the action of erasure shall be uniform for all names and upon all rolls, and that no notation shall be placed upon any schedule in any office except as herein directed. Accordingly, you will make such erasures in the manner described in Departmental letter of January 13, 1906 (File 5-51), relative to John R. Goldsby, and others, except that the notation to be used in connection with the names listed in this letter should be as follows:

Erasures and lines purporting cancellations erased by authority of Departmental letter of January 26, 1906 (File 5-51).

You will also give notice to all persons concerned, following the instructions in said letter of January 13, 1906.

Dec 10 1896

Department
Garfield
Washington D. C.
Jan 26, 1909

Transmits copy of Department
letter supplemental to Depart-
mental letter of Jan. 14, 1909
in the case of Goldsby and Allison.
State instructions in regards to
other parties whose names have been
stricken from roll will be sent
in the next future.

Office of Mr. Secretary

of the Department

of the Interior

Washington, D. C.

Jan 26, 1909

Very respectfully,
James S. Gifford

Chief Clerk

U. S. Department of the Interior

to the Commissioner
of the General Land Office

100-10000

DEPARTMENT OF THE INTERIOR.

Washington

GWW

File 5-51.

January 26, 1909.

"SEND DIRECT".

Sir:

Supplemental to Departmental letter of January 19, 1909, (File 5-51), and pursuant to the principles laid down by the Supreme Court in the Goldsby and Allison cases, you are hereby authorized and directed to erase the interlineations and notations which purport to strike from the citizenship rolls in your custody the following names of citizens of the Cherokee and Creek Nations, these names having been on the approved rolls and having been stricken therefrom without notice to the persons affected;

Persons who had not instituted suits prior to the Decision of the Supreme Court of November 30, 1906, in the case of John E. Goldsby, but whose cases fall within the principles of that Decision.

Cherokees By Blood.

30,852	Roberts, Mary E.
30,853	Roberts, Estelle C.
30,854	Roberts, Fannie L.
30,855	Roberts, Lucy E.

Creeks By Blood.

10,811	Barber, E. F.
10,877	Barber, Richard E.

Checks By Name, Continued.

9,955	Keifer, Mary O.
9,956	Keifer, Cora
9,957	Keifer, Sam
9,958	Keifer, Melvina
9,959	Keifer, Benjamin L.
9,970	Keifer, Carrie
9,972	Keifer, Henry Clay
9,971	Keifer, Stanford

Checks:

Act of April 26, 1906.

386	Barber, May F.
388	Barber, Richmond F.
384	Barber, Bibie B.

It is desired that the action of erasure shall be uniform for all names and upon all rolls, and that no notation shall be placed upon any schedule in any office except as herein directed. Accordingly, you will make such erasures in the manner described in Departmental letter of January 12, 1906 (File 5-51), relative to John A. Goldsby, and others, except that the notation to be used in connection with the names listed in this letter shall be as follows:

words and lines appearing cancelled erased by authority of Departmental letter of January 23, 1906 (File 5-51).

You will give notice to all persons concerned

Like action will be taken respecting the rolls in the Secretary's Office and in the Office of the Commissioner of Indian Affairs.

Instructions will issue in the near future as to the other persons whose names were stricken from the rolls without notice, and who are not mentioned in this letter or Departmental letter of January 19, above referred to.

Very respectfully,

(Signed) James Mudgett Gerfield
Secretary

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

2 encls.

COPY

WSDM

JOR

Muskogee, Oklahoma, February 2, 1909.

Subject:
Rights of allottees of land
originally allotted to per-
sons restored to the rolls
of the Cherokee Nation by
decision of Supreme Court.

The Honorable,

The Secretary of the Interior.

Sir:

In Departmental letter of January 19, 1909 (File 5-51-G. W. W.), I am instructed concerning the procedure to be followed relative to the erasure of lines and notations purporting to cancel certain names from the rolls of citizens of the Five Civilized Tribes, and to notify those persons of the action taken and that they have all the rights to allotment and payments enjoyed by other citizens as though no attempt had ever been made to cancel their names from the rolls.

Departmental letter of January 26, 1909 (File 5-51-G. W. W.), directs that similar action be taken relative to other persons, among whom are Mary H., Estelle G., Fannie L. and Lucy H. Roberts, whose names appear opposite numbers 30825 to 30855, inclusive, on the roll of citizens of the Cherokee Nation.

Secretary--2.

The Cherokee citizens named in the letter of January 19, included only the Allison family.

The Allisons were stricken from the approved roll of citizens by blood of the Cherokee Nation on March 4, 1907, without any notice whatever, the action being taken in accordance with the opinion of the Attorney-General of February 19, 1907. Some of them at once instituted proceedings to have their names restored to the roll and in accordance with Departmental letter of June 14, 1907 (A.A.G.1417, 1896-1907), the selections of the land which was formerly allotted to the Allisons but whose allotments had been cancelled, were held as tentative selections only, pending the determination of the suits instituted by certain members of the Allisen family.

The circumstances under which the members of the Roberts family, and others, were stricken from the roll not being identical with those surrounding the case of the Allisons, and no suits having, so far as this office knows, being instituted by them relative to the striking of their names from the approved roll, the same precautions were not taken as to the selection of the land formerly included in their allotments, consequently in a number of these cases certificates of allotment have issued.

In the Roberts case the Commission to the Five Civilised

Secretary--3.

Tribes first rejected their application for enrollment as citizens by blood of the Cherokee Nation and its decision was approved by the Department October 23, 1902. March 23, 1903 (I.T.D.6153-1902, 2667-1903), the request of the attorney for these applicants for a reopening of the case was granted and on April 3, 1903 (I.T.D.6153-1902, 2667, 3435-1903), the case was remanded to the Commission for further proceedings and readjudication. In the subsequent proceedings the principal applicant appeared. September 15, 1903, the Commission granted the applicants the right to enrollment and its decision was approved by the Department February 8, 1904. April 13, 1906, the attorney for the Cherokee Nation filed a motion for a review of this case. The motion was based upon a question of law and not upon one of fact which might, to decide, render it necessary for a further hearing of the case.

The original motion, which is on file with the Department, undoubtedly shows service of a copy thereof on the principal applicant or her attorney, as such service was required in the matter of filing motions to reconsider citizenship cases. The motion for review was granted by the Department, and on September 23, 1906, the Department rescinded its decision of February 8, 1904, enrolling the applicants, and denied their applications for enrollment and struck their names from the approved partial roll of Cherokee citizens, of

Secretary--4.

which action the parties at interest were notified October 16, 1906.

Action similar to that in the Roberts case, that is the names of the applicants were stricken from the roll by the Department upon motion for review filed by the attorney for the Cherokee Nation, was taken in other cases, notably, those of Volney R. Boon, et al., and Ora M. Bonds (nee Camp), et al., the only difference between these cases and the Roberts case being that in the Boon and Bonds cases the applicants replied to the motions of the Nation, whereas no reply was filed in the Roberts case so far as the records of this office show.

In the cases of subsequent selection of the land originally allotted to the Allison, I have notified the applicants of the decision of the Supreme Court and its effect and that as a result thereof their selections are without standing and have accordingly been cancelled.

However, in the cases of the allottees of the Roberts land where allotment certificates have issued and where the facts are different, -- the first allottees having been stricken from the roll as above indicated a considerable time prior to the closing of the roll and no suits in their behalf having been filed -- it seems that a serious question arises as to the power to cancel, without notice, the selections so as to restore the land to the members of the

Secretary-5.

Roberts family, and before taking further action in the case of the allottees who selected the land formerly allotted the members of the Roberts family, I respectfully request that the Department indicate what course of procedure it considers proper relative thereto.

Inasmuch as the importance of an early settlement of these cases is apparent, it is requested that the matter receive consideration at as early a date as practicable.

Respectfully,

(Signed) J. G. Wright

JOB(LS)

Commissioner.

Through the Commissioner
Of Indian Affairs.

3
D-103-2900
C O P Y

LLE

CEW
CEW
VCF

Address only
The Secretary of
the Interior.

DEPARTMENT OF THE INTERIOR,

D-10275

WASHINGTON,

December 20, 1909.

Enrollment of Mary E. F. W.C.
Roberts et al. Cherokee
Nation former allotments.

Commissioner of Indian Affairs.

Sir:

The Department has considered your letter, sometime since transmitted, concerning the former allotments of Mary E., Estelle G., Fannie L., and Lucy M. Roberts, in the Cherokee Nation. An answer has been withheld awaiting the decision of the Court of Appeals in the case of United States ex rel. Lillie Love et al. v. The Secretary of the Interior.

The Roberts family were placed on the rolls and selected allotments. Thereafter, and sometime before March 4, 1907, after service upon them of a notice for the reconsideration of their cases, affording them full opportunity to be heard if they so desired, their names were stricken from the Cherokee rolls and their allotments cancelled. They failed to avail themselves of the opportunity to be heard and, according in the notice of the Department, have not indicated their dissent. The lands then allotted were now held as if

On January 26, 1909, the Department directed the erasure of the notations purporting cancellation of their names on the citizenship rolls, on the assumption that their cases were within the purview of the decision of the Supreme Court of the United States in the Goldsby case.

The Department is now of the opinion that the Lillie Love case is more nearly applicable to the condition presented by the Roberts case. The Court of Appeals has sustained the Department's contention that the Secretary had the same power and control over the citizenship roll until March 4, 1907, that a court has over its judgments, provided only that due process of law has been accorded. Believing that the Roberts had due process of law and that they have already been very generously treated, the Department declines to take any steps or to institute any proceeding involving the disturbance of these persons who have been allotted the lands once selected by the Roberts.

Very respectfully,

Frank Pierce

First Assistant Secretary.

Reverse Side:
Land-Sales
102479-09

O. A. P. 238
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, D. C., JAN. 28, 1910.
RESPECTFULLY REFERRED TO THE COMMISSIONER
TO THE FIVE CIVILIZED TRIBES, FOR
INDIVIDUAL ACTION.

Signed: John Francis, Jr.
Acting Chief Land Division.

Muskogee, Oklahoma, February 7, 1910.

Mrs. Mary E. Forbes,
Chelsea, Oklahoma.

Madam:

There is enclosed herewith copy of Departmental letter of December 20, 1909, wherein the Secretary of the Interior declines to take any steps, or to institute any proceedings, involving the disturbance of those persons who have been allotted the land once selected by you prior to the time when your name was stricken from the approved roll of citizens of the Cherokee Nation.

However, as indicated in its letter of January 26, 1909, the Department held that, pursuant to the principles laid down by the Supreme Court in the Goldsby and Allison cases, the interlineations and notations, purporting to strike your name from the citizenship rolls, should be erased.

You are, therefore, advised that you will be allowed thirty days from date within which to designate land or to advise the office if you elect to take in lieu of allotment whatever money compensation may be provided.

Respectfully,

Acting Commissioner.

Muskogee, Oklahoma, February 7, 1910.

Mrs. Fannie L. Cunningham,
Chelsea, Oklahoma.

Madam:

There is enclosed herewith copy of Departmental letter of December 20, 1909, wherein the Secretary of the Interior declines to take any steps, or to institute any proceedings, involving the disturbance of those persons who have been allotted the land once selected by you prior to the time when your name was stricken from the approved roll of citizens of the Cherokee Nation.

However, as indicated in its letter of January 26, 1909, the Department held that, pursuant to the principles laid down by the Supreme Court in the Goldsby and Allison cases, the interlineations and notations, purporting to strike your name from the citizenship rolls, should be erased.

You are, therefore, advised that you will be allowed thirty days from date within which to designate land or to advise the office if you elect to take in lieu of allotment whatever money compensation may be provided.

Respectfully,

Acting Commissioner.

Muskogee, Oklahoma, February 7, 1910.

Miss Lucy M. Roberts,
Chelsea, Oklahoma.

Madam:

There is enclosed herewith copy of Departmental letter of December 20, 1909, wherein the Secretary of the Interior declines to take any steps, or to institute any proceedings, involving the disturbance of those persons who have been allotted the land once selected by you prior to the time when your name was stricken from the approved roll of citizens of the Cherokee Nation.

However, as indicated in its letter of January 26, 1909, the Department held that, pursuant to the principles laid down by the Supreme Court in the Goldsby and Allison cases, the interlineations and notations, purporting to strike your name from the citizenship rolls, should be erased.

You are, therefore, advised that you will be allowed thirty days from date within which to designate land or to advise the office if you elect to take in lieu of allotment whatever money compensation may be provided.

Respectfully,

WDM(CM)
Enc. 7-4

Acting Commissioner.

Muskogee, Oklahoma, February 7, 1910.

Mrs. Estelle C. Wiggins,
Chelsea, Oklahoma.

Madam:

There is enclosed herewith copy of Departmental letter of December 20, 1909, wherein the Secretary of the Interior declines to take any steps, or to institute any proceedings, involving the disturbance of those persons who have been allotted the land once selected by you prior to the time when your name was stricken from the approved roll of citizens of the Cherokee Nation.

However, as indicated in its letter of January 26, 1909, the Department held that, pursuant to the principles laid down by the Supreme Court in the Goldsby and Allison cases, the interlineations and notations, purporting to strike your name from the citizenship rolls, should be erased.

You are, therefore, advised that you will be allowed thirty days from date within which to designate land or to advise the office if you elect to take in lieu of allotment whatever money compensation may be provided.

Respectfully,

Acting Commissioner.

Cher 10377

Nancy Masingale

Trans. from R 774

Cher 10377

A 1246

Nancy J. Mearns
Pryor Creek N.Y.

Handwritten text on the right edge, possibly a date or reference number, partially obscured by the binding.

Vertical handwritten text on the left edge, likely bleed-through from the reverse side of the page.

PRINTED MATTER

IN THE OFFICE OF THE

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. September 25th 1901.

In the matter of the application of Nancy Masingale for enrollment as a Cherokee citizen; she being sworn by Commissioner T. A. Needham testified as follows:

Q What is your name? A Nancy Masingale.

Q What is your age? A 28.

Q What is your post office address? A Fryer Creek.

Q Do you apply to be enrolled as a Cherokee by blood? A Yes sir.

Q Who do you desire to have enrolled besides yourself? A Just myself.

Q Are you married? A Yes sir.

Q What is your husband's name? A J. M. Masingale.

Q Is he a citizen? A No sir.

Q What is your father's name? A Simon McKinzie.

Q He living? A Yes sir.

Q What is your mother's name? A Morning.

Q Is she living? A No sir.

Q Have you always been recognized as a citizen of the Cherokee Nation?

A Yes sir.

Q Are you on any of the rolls? A Yes sir.

Q Have you always lived in the Cherokee Nation? A Yes sir.

Q Live here now? A Yes sir I do now, I have been away a good deal on account of my health, I had to travel, but I am back now.

Q Where were you married? A In ~~the~~ the Choctaw Nation.

Q How long did you live in the Choctaw Nation? A Yes sir I lived there.

Q With your husband? A Yes sir.

Q Are you keeping house in the Cherokee Nation now? A Yes sir.

Q How long have you been in the Cherokee Nation this time? A Three months but just before that we were living just over the line in Kansas.

Q You lived with your father until you married did you? A No sir I was married once before, four years ago I went to Mexico.

Q When did you return to the Nation? A I lived in Kansas for the last two years.

Q When did you return to the Cherokee Nation this last time? A Two and a half months ago.

Q Have you been living here since then? A Yes sir.

Q Is this your home now? A Yes sir.

Q Where were you married the first time, in the Cherokee Nation? A Yes sir.

Q Then you went to Mexico? A No sir I have just been away from the Nation for the last four years.

Q Where did you live before the last four years? A In the Nation.

Q You lived then all your life in the Cherokee Nation up until four years ago? A During my widowhood I was in the Choctaw Nation

(By W. W. Hastings, Cherokee representative)

Q Where were you born? A Fort Scott.

Q How old were you when you came down here first? A I don't remember I was very small.

Q Where were you living when you married the first time? A In the Cherokee Nation.

Q Near what town? A Eight miles north east of Choctaw.

Q When were you married first? A When I was 18.

Q How old are you now? A 28.

Q Then you married 9 years ago? A No sir.

Q How long did you live with your first husband? A Three years.

Q Did he die in the Cherokee Nation? A No sir in the Choctaw Nation.

Q Then you lived with him until six years ago? A Yes sir.

Q What time was that in the Cherokee Nation? A Yes sir.

Q Where did you get?

A I don't know.

Q What time was that in the Cherokee Nation and living there? A I

- Q Then when did you come back here? A Two and a half months ago.
- Q Then you have lived in Mexico and Kansas for the past six years with the exception of the past two and a half months? A Yes sir.
- Q You have married again? A Yes sir.
- Q Where is your husband now? A Stone City, Kansas.
- Q Where did you marry him? A In the Osage Nation.
- Q How long has he been in Kansas? A Little over a year.
- Q You just apply for yourself? A Yes sir.
- (By the Commission)
- Q What business is your husband in? A Mining.
- Q You are living with him now? A I was.
- Q Are you separated from him? A No sir.
- Q Then you are just here on a visit? A No sir, he is there in the mining business for Col. Stone and he will be here next week.
- Q Are you going to move here? A Yes sir.
- Q And keep house here? A Yes sir.

The 1880 roll examined and the name of the applicant found thereon as follows; page 145 No 2023, Nancy McKinsey, Cooweescoowee district.

- Q Did you draw strip money? A Yes sir.
- Q What was your name then? A Morris.

The 1894 roll examined and the name of the applicant found thereon as follows; page 241 No 2707, Nancy Morris, Cooweescoowee district.

BY COM'R NEEDLES: Nancy Masingale applies for herself; she avers that she is the child of Simon and Morning McKinzie; she is identified on the authenticated roll of 1880 as Nancy McKinzie; she cannot be identified on the census roll of 1886; she is identified on the pay roll of 1896 as Nancy Morris, Morris being the name of her former husband, the one she had at that time. She has since married one J. N. Masingale; she is duly identified, but does not make satisfactory proof as to her residence, consequently she will be listed at present as a Cherokee citizen by blood upon a doubtful card.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 8th of November, 1901.

[Handwritten Signature]

Commissioner.

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

FILED
OCT 28 1901

A handwritten signature in dark ink, appearing to be a stylized name, possibly "W. H. ...".

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date

Oct. 26

1904

Name

Prior Creek, G. S.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Nancy Masingale

District

Leasburg

Year

1880

Page

145

No.

2023

Citizen by blood

yes

Mother's citizenship

Simon McStinson, b. l.

Intermarried citizen

Mary McStinson

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

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No.

Age

Application by No. 1.

Stenographer, Charles W. Walker

No. 1 on 1880 Roll as Nancy McStinson

No. 1 on ¹⁸⁹⁴ Roll p. 241 - 2707 as Nancy J. Morris

...not to town and didn't know about her being in
 such bad health, did you find? When she applied at Vinatap...
 Yes. I didn't ask her any question about that.
 For that matter, what telling the commission that...
 state of her health? A. No, sir, never asked any questions about
 that.
 Q. ...being her bad health, or her being out and in of the
 character of it is only given to the commission is it, this is the
 first time? A. Yes, first time.

The... of... and represen-
 ... to the Commission for
 evidence now of record. The at-
 ... and will be granted 30 days
 from date herein in view of the... the case.

COMMISSION OF INVESTIGATION
 DEPARTMENT OF THE INTERIOR
 U.S. DEPT. OF THE INTERIOR
 DIVISION OF LANDS
 WMS 31 1905
 I. J. G. ROSSON
 DEPARTMENT OF THE INTERIOR
 DIVISION OF LANDS
 U.S. DEPT. OF THE INTERIOR

[Handwritten signature/initials]

I, J. G. Rossion, do hereby certify upon my official oath as
 stenographer to the Commission to the... that
 I correctly recorded the testimony and proceedings had this day
 in the above case, and that the foregoing is a true and complete
 transcript of the stenographic notes thereof.

[Handwritten signature]

681470

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22d, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
NANCY MASINGALE as a citizen of the Cherokee Nation: Introduced
on part of applicant:

The applicant was notified by registered letter March 3,
1902, that her application for the enrollment of herself as a
citizen of the Cherokee Nation would be taken up for final
consideration by the Commission at its offices in Muskogee,
Indian Territory, on the 22d day of March, 1902. The applicant
this day appears in person and by her Attorney, S. B. Dawes,
Muskogee, I. T.

Mr. W. W. Hastings, Cherokee Representative, present.

MRS. J. M. MASINGALE, the applicant, being duly sworn,
testified as follows:

MR. DAWES:

- Q What is your name? A Mrs. J. M. Masingale.
Q Where do you live now? A 12 miles east of Pryor Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Are you an applicant for enrollment as a citizen of the Cherokee
Nation, in this Nation? A Yes, sir.
Q How long have you been a citizen of the Cherokee Nation?
A Ever since I can remember.
Q Are you enrolled on the 1880 roll? A Yes, sir.
Q On the strip payment roll of '94? A Yes, sir.
Q Have you since you became a citizen of the Cherokee Nation ever
had a home elsewhere than in the Cherokee Nation? A No, sir.
Q Have always had a home in the Cherokee Nation and considered
that your home since you became a citizen of that Nation? A Yes,
sir.
Q When were you married the first time? A I don't remember the
year, I was 18 when I married.
Q How old are you now? A 21.
Q How long did you live with your husband? A Three times.
Q Where were you married? A At what place?
Q Yes? A At Father's nine miles south of Chouteau.
Q In the Cherokee Nation? A Yes, sir.
Q In your testimony submitted to the Commission in November,
1901 you state that you have been out of the Nation a good part of
the time during the past four years? A Yes, sir.
Q I will ask you to state when you first went out of the Nation,
what year? A '97.
Q Where did you go? A That is when I went west, I was out of the
Nation in '96.
Q Where did you go in '97? A I went west.
Q Where to? A Colorado.
Q How long did you remain in away? A 11 months.
Q Did you then return to the Cherokee Nation? A Yes, sir.
Q When did you go away again after that? A I remained in the
Nation about two months and I went to New Mexico.
Q How long did you remain in New Mexico? A Two years.
Q How many times did you return to the Cherokee Nation during
that period? [No response.]

- Q Do you remember? A You mean after I went?
Q To New Mexico? A I returned once.
Q Where did you return to? A To the Nation.
Q I mean what place? A Kansas.
Q When you returned from New Mexico did you return to your father's?
A To my sister's.
Q In the Cherokee Nation? (No response.)
Q Why did you go to New Mexico and Colorado during those years?
A On the advice of my physician.
Q For what purpose? A For my health.
Q You didn't go for any other purpose, to establish a home anywhere else then in the Cherokee Nation? A No, sir.
Q Have you ever established a home elsewhere then in the Cherokee Nation? A No, sir.
Q Do you know whether or not your father has been holding lands and improvements for you in the Cherokee Nation all these years?
A He has.
Q What is your father's name? A Simon McKenzie.
Q He is a Cherokee citizen? A Yes, sir.
Q Citizen by blood? A Yes, sir.
Q Full-blood? A Yes, sir.

MR. HASTINGS:

- Q Are you in bad health now? A No, sir; don't look like it do I?
Q You didn't think when you was before the Commission before to tell about the condition of your health did you? A No, I was rattled, it was the first time I was ever sworn.
Q How long has it been since your health has been entirely recovered?
A Three years, after I went west I got good health immediately.

SIMON MCKENZIE, being duly sworn, testified as follows on part of applicant:

MR. DAVES:

- Q State your name. A Simon McKenzie.
Q Where do you live? A About six miles north of Pryor Creek.
Q What is your citizenship? A Cherokee I reckon.
Q Cherokee Indian by blood? A Cherokee by blood.
Q How long have you lived in the Cherokee Nation? A I have been in it all my life; what little time I have been out and in during the time about war, I was around, but and in ever since then I have been at home.
Q Are you on the 1880 roll and 1894 roll and 1896 roll?
A I guess so.
Q Are you the father of this lady, Nancy Masingale? A Yes.
Q How many members have you in your family who are Cherokee citizen by blood or citizens of the Cherokee Nation? A All of them, three.
Q Yourself and how many children? A Two.
Q Is your wife a Cherokee? A No, sir.
Q I will ask you to state how much land you are holding in the Cherokee Nation? A Well, about 300.
Q About half a section? A Yes, sir.
Q Are you holding enough land to be an allotment for yourself and each of your children? A That is what I thought when I got that.
Q You are holding it for that purpose are you? A Yes, sir.
Q And you are holding them as allotment for this daughter, Nancy Masingale? A Yes, sir.
Q Is that improved land? A Yes, sir.
Q How long has she not she has always had her home in the Cherokee Nation? A All along until she got bad health and went traveling to her father's house five years ago.

Q Did she go away to establish her home elsewhere? A No, sir, she was just traveling for her health, went to Colorado and from there to two other places, west.

Q She returned home frequently during that time? A Yes, sir, she came several times during that time.

Q Then you have held for her a farm, improved farm in the Cherokee Nation for number of years past? A Yes, sir.

MR. HASTINGS:

Q You went with her to town and didn't know about her being in such bad health, did you Simon? A When she applied at Vinita?

Q Yes. A Didn't ask me any question about that.

Q You didn't think about telling the Commission then about the state of her health? A No, sir, never asked any questions about that.

Q The excuse being her bad health or her being out and in of the Cherokee Nation is only given to the Commission is it, this is the first time? A Yes, first time.

Commission: The attorney for the applicant and representation of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted 30 days from date herein in which to file a brief in the case.

---00000000---

I, J. O. Hesson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Hesson

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

In the matter of the application of Nancy Masingale for enrollment as a citizen by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 26, 1901, Nancy Masingale appeared before the Commission at Vinita, Indian Territory, and made personal application for her enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902.

The evidence shows that the said Nancy Masingale is duly identified upon the 1890 authenticated roll of the Cherokee Nation as a native Cherokee, also upon the 1894 Strip payment roll and, also, upon the 1896 pay roll of said nation; that the said Nancy Masingale resided in the Cherokee Nation until about the year 1896 when she removed to Colorado, and that she was residing in Colorado, New Mexico and Kansas during the five years next preceding the date of this application and was not residing in the Indian Territory on June 28, 1898.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 496), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Nancy Masingale for enrollment as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

 Acting Chairman.

 Commissioner.

 Commissioner.

Muskogee, Indian Territory,
this SEP 26 1902

Cherokee D-1248
(R-774).

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

In the matter of the application for the enrollment of
Nancy Masingale as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 26, 1901, Nancy Masingale appeared before the Commission at Vinita, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902. The record further shows that on September 20, 1902, the Commission rendered its decision denying said application and forwarded the same to the Department of the Interior, which decision was approved by the Department on October 28, 1902. Thereafter on August 28, 1903, the Department rescinded its former action in the matter of said application and remanded the case to the Commission for readjudication.

The evidence shows that the said Nancy Masingale is a Cherokee citizen by blood and is identified on the Cherokee authenticated tribal roll of 1880, the Cherokee strip payment roll of 1894 and the Cherokee pay roll of 1896. It is further shown that since the applicant's enrollment in 1880 she lived in the Cherokee Nation until 1896, and thereafter has been absent from said nation at various times but that such absences have been of a temporary nature.

The evidence further shows that during said applicant's absences from said Nation as hereinbefore shown, her father held lands and improvements in said Nation for said applicant.

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Joseph D.

Yeurgain et al., (ITD 2900-1903), Nancy Masingale should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 20, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED

Jama Dixby.

Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

SIGNED

W. A. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 6 190 .

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
 CHEROKEE LAND OFFICE.

Tahlequah, I. T., August 7, 1903.

In the matter of the application for the enrollment of Nancy Masingale, as a citizen by blood of the Cherokee Nation. No. 10377.

A. F. DOWNS, being duly sworn by Joe Chambers, a Notary Public, and examined by ~~himself~~ on behalf of the Commissioner, testified as follows:----

- Q What is your name? A A. F. Downs .
 Q How old are you? A 28.
 Q What is your post-office? A Pryor Creek.
 Q Are you a citizen of the Cherokee Nation? A No sir.
 Q Are you married? A Yes sir.
 Q What is the name of your wife? A Nancy Downs.
 Q What is the name of her father? A Simon McKinsey.
 Q What was her name before you married her? A Nancy Masingale.
 Q What is the name of her mother? A I could'nt tell you. I never did see her mother. She died when she was quite young.
 Q When were you married? A Married 2 years ago the 15th day of last July.
 Q July 15, 1903? A Yes sir.
 Q Are you and she living together now? A Yes sir.

Joe Chambers, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Subscribed and sworn to before me this 7th day of August, 1903.

William J. Owen
 Notary Public.

2

10/15/46

10/15/46

10/15/46

COMMISSIONERS
HENRY L. DAVES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AVLESWORTH.
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1246

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 3, 1902.

Mrs. Nancy Masingale,

Pryor Creek, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

COPY.

Muskogee, Indian Territory, September 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

James E. Dixon
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 27.

COPY:

Cherokee D 1246.

Muskogee, Indian Territory, September 24, 1902.

H. B. Davis,

Attorney for Nancy Masingale,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Dixby
Acting Chairman.

Enc. C. No. 29.

Register.

Cherokee D 1246.

Muskogee, Indian Territory, September 24, 1902.

Nancy Masingale,

Pryor Creek, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, S. B. Dawes, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman

Enc. C, No. 24.

Register.

Cherokee D 1246.

COPY.

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Samuel Bixby
Acting Chairman.

Enc. C. No. 26.

(Copy)

Refer in reply
to the following:

Land.
58,454-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, October 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the commission to the Five Civilized Tribes in the matter of the application of Nancy Masingale for enrollment as a Cherokee citizen.

On October 26, 1901, said Nancy Masingale appeared before the commission and testified in her own behalf after which her name was placed on what is termed a "doubtful card" for the reason that she had not made satisfactory proof as to her residence in the Cherokee Nation, and on March 22, 1902, the applicant again appeared before the commission and gave testimony in her own behalf and there was other testimony also submitted at said hearing in behalf of her said claim.

On September 20, 1902, the commission rendered a decision in the case finding that the evidence shows that said Nancy Masingale is duly identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, also upon the 1894 scrip payment roll and also upon the 1896 pay roll of said strip

nation; that said Nancy Masingale resided in the Cherokee Nation until about the year 1896 when she removed to Colorado; that she was residing in Colorado, New Mexico and Kansas during the five years next preceding the date of this application and was not residing in the Indian Territory on June 28, 1898; that paragraph 9 of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), providing that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship" applies to this case, and that the opinion of the commission therefore is that the application of Nancy Masingale for enrollment as a citizen by blood of the Cherokee Nation should be denied.

The facts in this case are such that in equity it appears to the office that the applicant's claim is more or less meritorious. The evidence shows that she had always lived in the Cherokee Nation until about 1896 and that since that time she has been living at divers places and has returned to the Cherokee Nation a few times since that date. The evidence shows that her name is upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee and that she is on both the 1894 and 1896 pay rolls of said nation:

As the decision in this case is based upon paragraph 9 of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), as aforesaid, the office desires to call the special attention of the Department to said provision. It is the opinion of the office that the paragraph referred to is sus-

ceptible of a different construction than that placed upon it by the commission.

It seems from the decision of the commission in this case that in order to be enrolled as a Cherokee citizen it is necessary for this applicant to be a resident of the Indian Territory on June 28, 1898, or if the wording of the provision is strictly adhered to this applicant must have been a resident of the Cherokee Nation on June 28, 1898, the date of the approval of the said act of Congress. But can a fair construction of said paragraph demand this from the applicant herein? The law does not say that this applicant had to be a resident of the Cherokee Nation on the day on which the law was approved or any specified day prior thereto in order to be enrolled as a citizen of the Cherokee Nation. It does say that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," but it does not say when such removal had to take place other than it must have been sometime prior to the date of the approval of said act.

In this case the applicant had been a resident of the Cherokee Nation practically all her life in good faith up to 1896, and the office cannot see wherein this provision would be a bar to her enrollment as a citizen of the Cherokee Nation for she has heretofore in good faith settled in the nation,-- went there soon after her birth-- and was raised there, and in that regard has fully complied with said provision of the law and it nowhere states that after such residence in good faith the applicant must neces-

sarily be actually settled in the Cherokee Nation on the day of the approval of said act or any specified day prior thereto.

It is a grave question whether or not the word "removed" as used therein does not signify those Indians who have never removed to and in good faith settled in any nation in the Indian Territory and this view of said provision would seem to be supported for the reason that just such a class are made exempt from the operation of the law when this provision is followed with "Provided, However, That nothing contained in this act shall be so constructed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws or the treaties with the United States." This is a class of Indians who had never removed to the Indian Territory and they are excepted from the provisions of the paragraph requiring such removal in order to secure the rights of citizenship. It is a fair inference that they are excepted from those of like kind, and if this be true, where an Indian once removed to the Indian Territory or any of the nations therein and made settlement in good faith then there is no law which can deny him the rights of citizenship excepting the law of the tribe itself of which he is a member. The Cherokee law upon this subject is found in section 2 of article I of the Constitution of the Cherokee Nation, a part of which is as follows:

"And that whenever any citizen shall remove with his effects out of the limits of this nation and become a citizen of any

"other government all his rights and privileges as a citizen of this nation shall cease, provided, nevertheless, that the national council shall have power to readmit by law to all the rights of citizenship any such person or persons who may at any time desire to return to the nation on memorializing the national council for such readmission."

There is nothing in the record which tends to show that the applicant in this case ever became "a citizen of any other government." It is true she has resided outside of the boundaries of the Cherokee nation, but she testifies that she has always considered the Cherokee nation as her home and that her father has held land in that nation for her, and there is no evidence in the record disputing this claim.

There is nothing in the record as to whether or not they removed her effects from the Cherokee Nation. On the whole the office believes that this applicant is entitled to be enrolled as a citizen of the Cherokee Nation; that her claim is equitable and just, and that under a strict construction of the law the rights with which her long residence in said nation vested her, as verified by the fact that her name is on the roll of 1880 and also the pay rolls of 1894 and 1896, have never been taken away by any legal enactment nor ever been lost by reason of any action on her part.

The office therefore recommends that the decision of the commission herein be set aside by the Department and that it be

instructed to enroll the said Nancy Masingale as a citizen of the Cherokee Nation entitled to all the rights which citizenship therein guarantees.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

D.C.No.20438-1902.

Department of the Interior,

J. P.

I. T. D.6474-1902.
L. R. S.

Washington,

WHR.

October 28, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Nancy Masingale for enrollment as a Cherokee citizen by blood (D 1246), transmitted with your letter of September 24, 1902.

It appears that the applicant is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, upon the 1894 strip payment roll, and upon the 1896 pay roll of said Nation; that she resided in the Cherokee Nation until about the year 1896 when she removed to Colorado, and that she was residing in Colorado, New Mexico and Kansas during the five years next preceding the date of her application for enrollment, and was not residing in the Indian Territory on June 28, 1898.

Referring to Paragraph 9 of Section 21 of the Act of June 28, 1898 (30 Stats., 495), which provides that-

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,

on September 20, 1902, you rejected the application.

In submitting the case October 20, 1902, the Commissioner of Indian Affairs recommends that your decision be reversed,

and as ground for this recommendation states that it seems your Commission considers that in order to be enrolled as a Cherokee citizen it is necessary for this applicant to be a resident of the Indian Territory on June 28, 1898, the date of the approval of said Act of Congress; that as he understands the law it does not say that an applicant has to be a resident of the Cherokee Nation on the day on which the law was approved or on any specified day prior thereto in order to be enrolled as a citizen of the Nation; that while it does say that no person shall be enrolled who had not prior to that date removed to and in good faith settled in the nation in which he claims citizenship, it does not say when such removal had to take place other than it had to be some time prior to the approval of the Act; that as the applicant has been a resident of the Cherokee Nation practically all her life in good faith up to 1896, he cannot see wherein this provision would be a bar to her enrollment; that it is a grave question whether or not the word "removed" as used in said Act does not signify those Indians who have never removed to and in good faith settled in any nation in the Indian Territory.

The Department has in numerous cases placed its interpretation upon this provision of the Act of June 28, 1898, and has uniformly held, following the recommendations of the Indian Office, that no person could be enrolled who had removed from the Indian Territory and settled elsewhere prior to 1898 (no matter what length of residence he had had therein) and had not "removed

to and in good faith" settled therein prior to that date.

As to the statement of the Commissioner that if the wording of the provision of said Act is strictly adhered to this applicant must have been a resident of the Cherokee Nation on June 28, 1898, attention is called to departmental decision of April 2, 1902, in the Creek enrollment case of Sam Mahardy.

Finding your decision in accordance with the views of the Department it is hereby affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock.

Secretary.

G. W. E.

1 inclosure.

COPY.

Cherokee D 1246.

Muskogee, Indian Territory, November 8, 1902.

S. B. Dawes,

Attorney for Nancy Hasingale,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 30, 1902, rejecting the application of Nancy Hasingale for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 23, 1902.

Respectfully,

W. B. Smith
Commissioner in Charge.

COPY.

Cherokee B 1246.

Muskogee, Indian Territory, November 8, 1902.

Nancy Masingale,

Fryor Creek, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 23, 1902.

Respectfully,

Brookinside
Commissioner in Charge.

COPY. Cherokee R 1266.

Muskogee, Indian Territory, November 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Soney Hastingsale for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 28, 1902.

Respectfully,

W. P. Prichard
Commissioner in Charge.

D.C.25012

419

WCY. RAP.

IRS.

DEPARTMENT OF THE INTERIOR.

ITD. 6159 & 6474-1903 WASHINGTON.
5862-1903.

August 28, 1903.

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

Gentlemen:

On July 10, 1903, the attorneys for the applicants in the Cherokee enrollment case of Nancy Masingale filed with the Department a brief and argument in the case, which is considered by the Department as a motion for rehearing.

You rejected the applicant September 20, 1902, referring in your decision to paragraph 9 of section 21, of the act of June 28, 1898 (30 Stats., 495), which provides that-

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

On October 28, 1902, the Department approved your decision. Your decision in the case, as well as that of the Department, was rendered under different interpretation of paragraph 9 of said section 21, from that expressed by the Assistant Attorney General in his opinion rendered March 16, 1903, relative to the case of Joseph D. Yeargain et al. The Department therefore rescinds its former action in the matter, and the case is remanded in order that

It may be readjudicated by you in accordance with said opinion.
You are directed to inform the attorneys for the Cherokee Nation of
departmental action herein. The record and brief are inclosed herewith.

Respectfully,

(signed) E. A. Hitchcock

2 inclosures.

Secretary.

Cherokee B-774

Tahlequah, Indian Territory, September 23, 1903.

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

Gentlemen:

As directed in Commission's letter of September 18, the re
is transmitted herewith the original card, jacket and record in the
matter of the application of Nancy Masingale for enrollment as a
citizen of the Cherokee Nation.

Respectfully,

Clerk in Charge
Cherokee Land Office.

Encl-8-61
GRS

1209

COMMISSIONERS
TANA BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,
W. E. STARLEY

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1246.
(B-774)

ALLISON L. AVLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 25, 1904.

Nancy Masingale,
Pryor Creek, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 8, 1904, granting your application for the enrollment of yourself as a citizen by blood of the Cherokee nation. There has heretofore been furnished your attorney, S. B. Dawes, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission has been informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. N-13.

COPY.

Cherokee D-1246.
(R-774.)

Muskogee, Indian Territory, January 25, 1904.

S. E. Dawes,

Attorney for Nancy Masingale,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission has been informed of the same.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Register.

Enc. R-14.

COPY

Cherokee D-1846.
(R-774.)

Muskogee, Indian Territory, January 28, 1904.

The Honorable
The Secretary of the Interior.

Sir:

Referring to Departmental letter of August 28, 1903
(I.T.D. 6159 & 6474-1903, 8862-1903), there is transmitted herewith
the record of proceedings had in the matter of the application of
Nancy Masingale for the enrollment of herself as a citizen by blood
of the Cherokee Nation, together with the Commission's decision,
dated January 6, 1904, granting said application.

Respectfully,

J. D. V. [Signature]
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. H-15.

Cherokee D-1246

R-774

Muskegee, Indian Territory, January 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

I. B. Neddick

Cherokee R 774

Muskogee, Indian Territory, February 13, 1904.

Kimball & White,
Attorneys for Nancy Masingale,
Columbian Building,
Washington, D. C.

Gentlemen:

The Commission is in receipt of your letter of February 6th, asking for an early decision in the case of Nancy Masingale, Cherokee R 774.

In reply you are advised that on January 6, 1904, the Commission rendered a decision in this case granting the applicant's enrollment, a copy of which decision was forwarded to the Department on January 25, 1904. It appears that through some oversight you have not been entered upon the Commission's records as attorneys for the applicant and you were, therefore, not furnished with a copy of this decision. There is herewith inclosed, however, a copy of the Commission's decision, together with a copy of the record of proceedings had in the case. The action of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-66.

Commissioner in Charge.

C O P Y

Refer in reply to the following:
Land. 7045-0904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation.

On September 20, 1902, the Commission rendered a decision in this case, finding from the evidence that the said Nancy Masingale is duly identified upon the 1860 authenticated Cherokee Nation roll as a native Cherokee, also upon the 1894 scrip payment roll and also upon the 1896 pay roll of said nation; that the said Nancy Masingale resided in the Cherokee Nation until about the year 1896, when she removed to Colorado, and that she was residing in Colorado, New Mexico and Kansas during the five years next preceding the date of her application and was not residing in the Indian Territory on June 28, 1898; that by reason of paragraph 9, section 21 of the Act of

Congress approved June 28, 1898, her application should be denied; that afterwards on October 20, 1902, the office rendered a decision in said case, a copy of which is attached to the record, wherein it was recommended that said decision of the Commission be set aside by the Department and that the said Nancy Masingale be enrolled as a citizen by blood of the Cherokee Nation; that afterwards on October 28, 1902, the Department rendered a decision in said case, a copy of which is made a part of the record, in which said decision of the Commission was affirmed; that afterwards on August 28, 1903, the Department in its letter of that date, a copy of which is made a part of the record, rescinded its said decision of October 28, 1902, and remanded the case to the Commission to be readjudicated in accordance with the opinion of the Assistant Attorney General, rendered March 16, 1903, relative to the case of Joseph D. Yeargain, et al.

It now appears that said case has been so readjudicated by the Commission and on January 6, 1904, a new decision was rendered in said case in which the Commission finds from the evidence that the said Nancy Masingale is a Cherokee citizen by blood and is identified on the Cherokee authenticated tribal roll of 1880, the Cherokee scrip payment roll of 1894 and the Cherokee pay roll of 1896; that since the applicant's enrollment in 1880 she lived in the Cherokee Nation until 1896 and has since that time been absent from said nation at various times, but that such absences have been of a temporary nature.

The Commission further finds from the evidence that during said applicant's absence from said nation her father held lands and improvements in said nation for her by reason of which facts and findings the Commission is of the opinion that following the decision of the Department in the case of Joseph D. Yeargain et al., the said Nancy Masingale should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section 21 of the act of Congress approved June 28, 1898, with which decision of the Commission the office concurs and recommends that it be approved by the Department.

Very respectfully,

A. C. Tonner

Acting Commissioner.

WCB-LM

D.C. 6216-1904.

I.T.D. 6474-1902.
5862-1903.
1358-1904.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

JVB
FBE
LRS

February 23, 1904.

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

Gentlemen:

With your letter of January 25, 1904, you resubmitted the record of proceedings had in the matter of the application of Nancy Masingale (Cherokee D 1246), for the enrollment of herself as a citizen by blood of the Cherokee Nation, with your decision dated January 6, 1904, granting said application.

It seems that the applicant is a Cherokee by blood, that she is identified on the Cherokee authenticated tribal roll of 1880, the Cherokee strip payment roll of 1894, and the Cherokee pay roll of 1896; that since her enrollment in 1880 she resided in the Cherokee Nation until 1896, and that since 1896 she has resided part of the time in the Cherokee Nation and part of the time in the states.

It further appears that during her absence from the territory, her father held lands and improvements for her in the Cherokee Nation. There is no testimony which warrants the conclusion that she ever became a citizen of another government.

The record in this case was originally forwarded to the Department October 20, 1902, by the Indian Office, with the recommendation that you be directed to enroll the applicant.

On October 28, 1902, the Department rendered a decision in the matter, affirming your decision of September 20, 1902, which was adverse to the applicant. The case was remanded to you, however, for further consideration in accordance with the opinion of the Assistant Attorney General of March 16, 1903, relative to the case of Joseph D. Yeargain, et al.

February 16, 1904, the Indian Office reported again in the matter, recommending that your enrollment of the applicant January 6, 1904, be approved. A copy of the report is inclosed.

The Department concurs in the recommendation of the Indian Office. Your decision of that date is accordingly affirmed.

Respectfully,

(signed) Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee B-774

Muskogee, Indian Territory, March 3, 1904.

Nancy Kasingale,

Pryor Creek, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated January 8, 1904, granting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 23, 1904.

Respectfully,

Commissioner in Charge

Cherokee R-774

Muskogee, Indian Territory, March 3, 1904.

S. B. Dawes,

Attorney for Nancy Masingale,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 6, 1904, granting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee R-774.

Muskogee, Indian Territory, March 3, 1904.

Kimball & White,
Attorneys for Nancy Masingale,
Columbian Building,
Washington, D. C.

Gentlemen:

You are hereby advised that the Commission's decision, dated January 6, 1904, granting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee B-774.

Muskogee, Indian Territory, March 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 6, 1904, granting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 23, 1904.

Respectfully,

Commissioner in Charge

COPY.

Cherokee President,
10377.

Muskogee, Indian Territory, October 11, 1904.

Nancy Downs,

Spavinaw, Indian Territory.

Dear madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of September 22nd, relative to your enrollment as a citizen by blood of the Cherokee Nation.

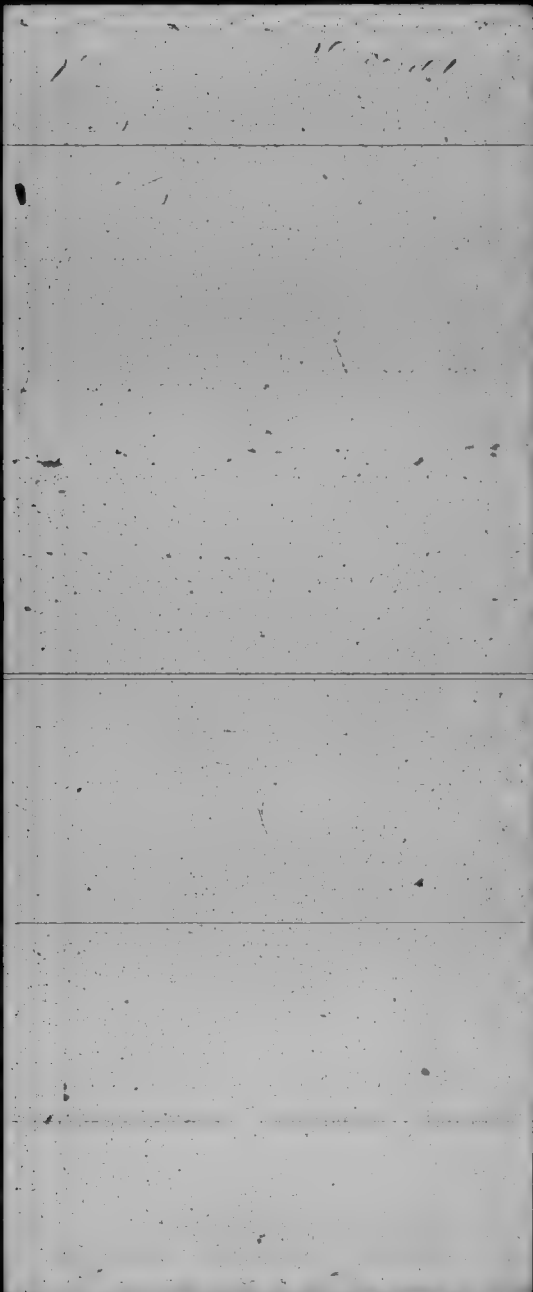
In reply you are advised that the Commission's decision, dated January 6, 1904, granting the application for the enrollment of Nancy Masingale as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 23, 1904, and that said name appears upon a partial roll of citizens by blood of the Cherokee Nation, approved by the Secretary of the Interior on June 11, 1904, opposite No. 10856.

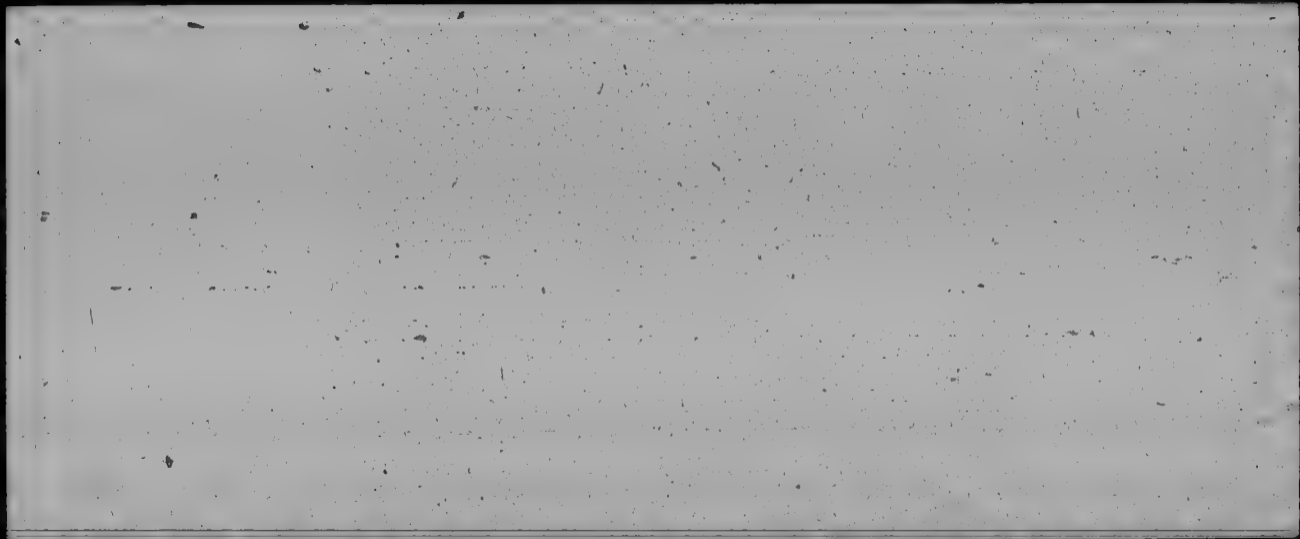
In this connection you are advised that the Commission addressed a letter to you at Fryer Creek, Indian Territory, on March 3, 1904, advising you of the Department's action in this case. If you have changed your

postoffice address you are requested to so advise the
Commission in order that it may be noted upon its records.

Respectfully,

SIGNED: *James Birby.*
Chairman.





Cher 10378

William P. Randall

Trans. from R 645

Cher 10378

10378

Cherokee Case

No. D 14

Department of the Interior,
Commission to the Five Civilized Tribes

In the Matter of the
Application for Enrollment
of

William P. Randall

Department of the Interior,
Received

Jul. 3, 1902

Enc. No. _____ of No. 4137
Indian Territory Division

Department of the Interior.

Jun. 25, 1903

Returned with No. 5288

Enclosure Ind. Ter. Div.

As Chairman of the Cherokee Nation

Waskage, I.T., May 20th, 1902

Respectfully forwarded to the Secretary
of the Interior for review.

Acting Chairman.

10378

COMMISSION TO INQUIRE INTO THE
DEPARTMENT OF THE INTERIOR
F. I. T. D.
JULY 15, 1900

By Mr. Hastings - Cherokee Representative.

Q. Do you own land up there? A. No sir.

Q. Do you own land there? A. Yes sir.

Q. Commission:

Q. You married? A. No sir.

Q. Do you apply for yourself? A. Yes sir.

The decision of the Commission as to the application you make in your own behalf as a citizen of the Cherokee Nation, will be mailed to you in writing at your present Post-office address, as soon as practicable: The decision will be based on the oral testimony given by you and such other evidence as has been adduced; and you can file any affidavits, papers or proofs that you may have, or wish to file, and they will be taken into consideration in connection with your application; and the whole matter will be forwarded to the Secretary of the Interior for his action.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

[Handwritten signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FAIRLAND, I. T., JULY 11th, 1900.

IN THE MATTER OF THE APPLICATION OF William P. Randall for enrollment as a citizen of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breakenridge, testified as follows:

- Q What is your name? A William P. Randall.
Q What is your age? A Forty six.
Q Where do you live? A Fairland.
Q What is your Postoffice address? A Fairland.
Q Is Delaware District the place of your permanent residence?
A Yes sir.
Q How long have you been living there? A Three or Four months.
Q Where did you live before that? A In Kansas.
Q When did you come from Kansas? A I came the first of April.
Q What kind of application do you make here; Cherokee by blood?
A No sir; Shawnee.
Q Where have you lived for the last ten years; before you came here? A Johnson County, Kansas.
Q How long did you live outside of the Indian Territory?
A Eighteen or twenty years.
Q Where were you born? A Johnson County, Kansas.
Q That was your home until you came here? A No sir; I lived here about four years in 1871 - 72 - 73 & 74.
Q And before that except that time, you lived in Johnson County, Kansas until you came here recently? A Yes sir.
Q Does your name appear on any of the regular authenticated rolls of the Cherokee Nation? A On the regular Shawnee purchase roll; the roll of '70 or '71.
Q Does your name appear on the 1880 authenticated roll of the Cherokee Nation? A No sir.
Q Do you ~~appear~~ appear on the 1894 Roll? A I can not say., I drew my money.
Q Are you on the Roll of 1896? A Yes sir.
Q Are you on that roll? A Yes sir; I drew the strip money; it was on the regular Shawnee Roll.
Q I understood you to say that you were not on the 1894 Roll?
A Yes sir.
Q You were living in Kansas in 1896? A Yes sir.
Q What evidence can you present of any kind that you are, or have ever been a citizen of the Cherokee Nation? A I can refer you to a number right here, I presume; I lived here.
Q Have you any written evidence, any documentary evidence?
A No, only on the Shawnee Census Roll.
Q You say you lived in Kansas a long time? A Yes sir.
Q Have you a certificate of admission to citizenship in the Cherokee Nation? A No sir, not only as a registered Shawnee as I know of, I moved here and lived here four years: I drew that strip money in 1896 or 1897.
Q Where did you live in 1898? A Up there.
Q Up where? A Johnson County, Kansas.
(On consulting the Shawnee Roll, approved March 30th, 1896, applicant is identified as being duly recorded as William P. Randall.
Q What time did you live in the Indian Territory before going back to Kansas? A Spring of 1874.
Q And you stayed there about three months? A Yes sir, I moved back on account of my mother's health.
Q And there you resided continuously? A Until she died, I came back.
Q What did you do there? A Farmed.
Q Who owned the farm? A My mother.
Q And you lived with her? A Yes sir.
Q What are you doing here; farming? A Yes sir; I came down about three years ago, and bought a claim.

COMMUNICATIONS SECTION
ADVISORIAL BOARD
JUL 15 1900

H. W. Hastings - Cherokee Representative.

Q. Did you take down the above? A. No sir.

Q. Did you take down the above? A. Yes sir.

By the Commission:

Q. Are you married? A. No sir.

Q. Do you apply daily for yourself? A. Yes sir.

The decision of the Commission as to the application you make in your own behalf as a citizen of the Cherokee Nation, will be mailed to you in writing at your present Post-office address, as soon as practicable. The decision will be based on the oral testimony given by you and such other evidence as has been adduced; and you may file any affidavits, papers or proofs that you may have, or wish to file, and they will be taken into consideration in connection with your application; and the whole matter will be forwarded to the Secretary of the Interior for his action.

R. R. Gravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R. R. Gravens

Sworn to and subscribed before me this 15th day of July, 1900.

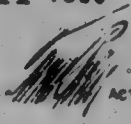
Clifton R. Buckner

COMMISSIONER.

B- 1514

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 11 1900


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION. 7

Date July 11, 1900

Name William P. Randall, Fairbank, I.T.
District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

50
qualified

Dist.	Year	Page	No.	Age
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On payroll of Cherokee - Shawnee
Indians 1896 ~~Page 32~~ Page 32
no 628 as William P. Randall

Card 1914

A Yes, sir; I left my two cows?

MR. HASTINGS:

Q Did you find them when you came back? A No, sir; I didn't.

COMMISSION:

Q Is there any statement you want to make in this case.

Mr. Mellette: I want to have ten days to file a brief.

Commission: The attorney for the applicant will be granted ten days in which to file a brief, one copy with this Commission and one copy with the Cherokee Nation, and the representatives of the Nation will also be given an opportunity in which to file a brief, one copy with the Commission and one copy with the applicant.

By agreement between the Attorney for the applicant and the attorney for the Cherokee Nation, this case is closed and submitted as regards the testimony.

---00000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 19, 1902.

612

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of William P. Randall for enrollment as a citizen of the Cherokee Nation:

Appearances:

Mellette & Smith, Attorneys for Applicant;
Mr. W. W. Hastings, Cherokee Representative.

WILLIAM P. RANDALL, being duly sworn, testified as follows:
By the commission:

- Q What is your name? A William P. Randall.
Q Where do you live, Mr. Randall? A I live near Fairland.
MR. MELLETTE:
Q When did you first move to the Cherokee nation? A I came here first in the fall of 1870; I moved in the spring of '71.
Q What month of the spring of 1871, did you move here?
A In February.
Q Where did you come from? A Johnson County, Kansas.
Q Of what blood are you? A I presume I am about a quarter Shawnee. I don't know just what.
Q Is your name upon the roll of 772 Shawnees who located in the Indian Territory? A Yes, sir.

Commission: It appears from the register of Shawnees who have moved and located in the Cherokee Nation, Indian Territory, prior to the 10th day of June, 1871, within two years from the 9th day of June, 1869, in accordance with the agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians, through their delegations in Washington City, D. C., on the 7th day of June, 1869, and approved by the President of the United States on the 9th day of June, 1869, that the name of William P. Randall appears upon said register as number 592.

Mr. Mellette: I would like to have the Commission refer to the certificate of the late chief of the Shawnees which is attached to that roll, certifying that those people are members of the Shawnee tribe.

Mr. Hastings: There will be no contention on the part of the Cherokee Nation on that point.

Commission: "Office of the Executive Department,
Cherokee Nation, Indian Territory.

Tahlequah, Aug. 14, 1871.
This is to certify that the foregoing is the original 'copy of the register of names of the members of the Shawnee tribe of Indians who have moved to and located in the Cherokee Nation,' in accordance with the agreement made and entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians, through their delegates, on the 7th of June, 1869; and that a true copy of the same has been taken and retained in this office; and that on the 4th of August, the ratification of the agreement herein mentioned was proclaimed; and that the Shawnees registered had been declared

to be Cherokee citizens, it being understood that the ratification is admitted by the United States government, that there is no bar to the final settlement of the agreement on the part of the United States officials, after the correction of an error in regard to the insertion of names of the delegates making the agreement. There was registered 772 persons instead of 770, as shown on the original by figures.

The testimony of which I have hereinto set my hand and the seal of the Cherokee nation, on this the 14th day of August, A. D., 1871.

Lewis Downing, Principal Chief,
Cherokee Nation.

MR. HELLWYTT: Mr. Randall, after you moved to the Cherokee Nation in February, 1871, how long did you live here?

A Lived here about four years.

Q Where did you go then? A Went to Johnson County, Kansas.

Q Whom did you go with? A My mother and sisters.

Q What was the condition of your sister? A My sister, one of them, was insane. I had two sisters.

Q Now, how long did you live in Kansas before you came back here?

A I presume I lived there about 18 or 20 years, or more.

Q Did you vote in Kansas after you went back there? A Never.

Q Did you pay any poll tax? A No, sir.

Q Did you pay any kind of tax? A No, sir.

Q Did you ever hold any office in Kansas after you went back there?

A No, sir.

Q When you left the Cherokee Nation did you leave any property here? A I left a small farm, yes.

Q When did your mother die? A She died three years ago, this last October.

Q Where did she die? A Johnson County, Kansas.

Q How long after she died did you come back to the Cherokee Nation?

A About a year afterwards, a little over.

Q You have never married? A No, sir.

Q Bachelor? A Yes, sir.

MR. HASTINGS:

Q Your mother owned a farm in Kansas? A Yes, sir.

Q And you farmed it there? A Yes, sir.

Q Made a living up there? A Yes, sir.

Q Made a living up there 15 or 20 years? A Yes, sir.

Q You never thought about her having a farm up there when you appeared before this commission in July, 1900?

A I don't know.

Q Where was that farm? A In Johnson County, Kansas.

Q Where was the farm in this country? A 18 miles from this town.

Q You mean Vinita? A Yes, sir.

Q Adjoining whose place was it? A It was adjoining, fellow by the name of Don Geeseberg.

Q And you let it go back to the Cherokee Nation? A It was jumped.

Q And you let it go back to the Cherokee Nation?

A Yes, sir.

Q And you never did any more to it? A It was jumped.

Q It was abandoned by you and taken up by somebody else?

A Yes, sir.

MR. HELLWYTT:

Q How was it abandoned by you? A It was abandoned on account of sickness.

Q Did you tell anybody they could take it?

A No, sir.

Q Did you have any other property there when you went to Kansas?

A Yes, sir; I left my two cows?

MR. HASTINGS:

Q Did you find them when you came back? A No, sir; I didn't.
COMMISSIONER:

Q Is there any statement you want to make in this case.

Mr. Mellette: I want to have ten days to file a brief.
Commissioner: The attorney for the applicant will be granted ten days in which to file a brief, one copy with this Commission and one copy with the Cherokee Nation, and the representatives of the Nation will also be given an opportunity in which to file a brief, one copy with the Commission and one copy with the applicant.

By agreement between the Attorney for the applicant and the attorney for the Cherokee Nation, this case is closed and submitted as regards the testimony.

---00000000---

J. O. Bosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

20

2014

937

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 15 1902



COMMISSIONERS

HENRY L. DAWES,
TANS SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

Mushoye & F. 2/15/02

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
William P. Rowland for enrollment as
Free Men of the Cherokee Nation.

Melville Smith

No. 16 111

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

In the matter of the application of William P. Randall for enrollment as a citizen of the Cherokee Nation.

D E C I S I O N .

--000--

The record in this case shows that on July 11, 1900, William P. Randall appeared before the Commission at Fairland, Indian Territory, and then and there made application for his enrollment as a citizen of the Cherokee Nation by adoption. On February 15, 1902, applicant appeared before the Commission at its office in Muskogee, Indian Territory, and further proceedings were then and there had in the matter of this application. It appears from the evidence that the applicant is identified on the "Shawnee Register", a roll containing the names of those who located in the Cherokee Nation under the terms of a treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians on June 7, 1849. It appears that applicant lived in the Cherokee Nation from 1871 to 1874, and that in the latter year he went to Kansas and resided there continuously until 1899 or 1900, when he returned to the Cherokee Nation.

He is identified on the Cherokee-Shawnee Pay roll of 1896.

The authority of the Commission herein is defined in Paragraph 9, Sec. 21, of the Act of Congress, approved June 25, 1896, (50 Stats., 495), which is as follows:

"No person shall be enrolled who has not heretofore resided in and is good faith settled in the Nation in which he claims citizenship."

It is therefore the opinion of the Commission that William P.

Rendall is not lawfully entitled to be enrolled as a member of the Cherokee tribe of Indians in Indian Territory, and that his application for enrollment should be denied, and it is so ordered.

THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES



 ACTING COMMISSIONER

 COMMISSIONER
 I. H. [Handwritten Name]

 COMMISSIONER

Dated at Muskogee, Indian Territory,

this MAY 20 1902

W. W. R.

Cherokee D # 14.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Tahlequah, I. T. October 15th 1903.

In the matter of the application for the enrollment of William F. Randall as a citizen of the Cherokee Nation of Shawnee Blood.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission to the Five Civilized Tribes of September 25th 1903 and asks that the record in this case be forwarded to the Honorable Secretary of the Interior for Review.

ARGUMENT.

Our reasons are fully expressed in our brief filed in this case to which reference is respectfully made. For the reasons stated in our brief we do not believe this application should be allowed and we do believe that this decision of the Commission should be reversed.

Respectfully,

W. W. Rastings
Attorney for the Cherokee Nation.

J. U. S.

Cherokee B 14.

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

In the matter of the application of William P. Randall
for enrollment as a citizen of the Cherokee Nation of Shawnee blood.

DECISION.

The record in this case shows that on July 11, 1900, William P. Randall appeared before the Commission at Fairland, Indian Territory, and made application for enrollment as a citizen of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 18, 1902. The record further shows that on May 20, 1902, the Commission rendered its decision denying said application and forwarded the same to the Department of the Interior, which decision was approved by the Department on August 1, 1902; that on May 28, 1903 the applicant filed a motion for rehearing in said case, and on July 10, 1903, the Department rescinded its former action in the matter of said application and remanded the case to the Commission for readjudication.


The evidence shows that the applicant is identified on the Shawnee Register, containing the names of the members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation, in accordance with the terms of an agreement made June 7, 1869, by and between the Shawnees and the Cherokees, and approved June 9, 1869. It further appears that the applicant is identified on the Cherokee-Shawnee pay roll of 1896.


The evidence further shows that the applicant resided in the Cherokee Nation from 1871 until 1874; that in 1874 he removed to the State of Kansas where he remained until about 1900, when he returned to the Cherokee Nation where he has since resided; that the applicant at the time of his removal to said state left some of his live stock in the Cherokee Nation; and it is not shown by the evidence that he ever assumed the obligations of citizenship in the State of Kansas during his residence there.


It is, therefore, the opinion of this Commission, following the decision of the Department in the matter of the application for the enrollment of Joseph B. Torgain, et al. as citizens of the Cherokee Nation (I.T.N. 2000-1902), that William F. Russell should be enrolled as a citizen of the Cherokee Nation of Cherokee blood, in accordance with the provisions of section 1402 of the act of Congress, approved June 20, 1906 (34 Stat., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES









Muskogee, Indian Territory,

this SEP 25 1908

✓ 2014

COMMISSIONER

1902

FILED

JAN 21 1902

ACTING CHAIRMAN

SECRETARY
HENRY L. DAVIS,
TUESDAY
THOMAS B. HARRIS,
C. B. HARRIS

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

ALFRED L. AYERBROTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **January 30**

1902

Mr. William F. Randall,

Fairland, Indian Territory

Sir:

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

18th day of **February, 1902**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Doc. D-14

COPY.

Muskogee, Indian Territory, May 20, 1909.

William F. Randall,
Fairland, Indian Territory.

Dear Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be duly known to you as soon as the Commission is informed of the same.

Yours truly,

Wm. D. Dyer,
Acting Chairman.

Doc. D-14,
Registered.

Dec. 2-14

Copy.

Muskogee, Indian Territory, May 20, 1908.

W. V. Hastings, Esq.
Attorney for the Cherokee Nation
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of William P. Marshall for the enrollment of himself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and opinion.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Yours truly,
James Dixby.

Special Agent

Enc. 2-14

COPY

Encro-2114

Muskogee, Indian Territory, May 20, 1892.

Messrs. McIlwain & Smith,
Attorneys at Law,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of William P. Randall for the enrollment of himself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be sent back to you as soon as the Commission is informed of the result.

Respectfully,

John D. Dixby.

John D. Dixby

Mr. F-162

COPY.

Muskogee, Indian Territory, May 20, 1902.

The Honorable,
The Secretary of the Interior.

SIR:

There is herewith transmitted the record and proceedings had in the matter of the application of William P. Randall for the enrollment of himself as a citizen of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, refusing the application for the enrollment of the said William P. Randall as a citizen of the Cherokee Nation.

Very respectfully,

James Bixby.

Acting Chairman.

Enc. B-14.

Through the Commissioner
of Indian Affairs.

Refer in reply to
the following:

Land
31143--1902.
37493--1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, July 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on May 30, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of William F. Randall for enrollment as a citizen of the Cherokee Nation. The record shows that the applicant is identified on the Shawnee Register which is a roll containing the names of those Shawnee Indians who located in the Cherokee Nation under the terms of the treaty concluded between the Cherokees and Shawnees on June 7, 1869; that he resided in the Cherokee Nation from 1871 to 1874; that in the latter year he removed to Kansas and resided there continuously until 1899 or 1900, when he returned to the Cherokee Nation. His name appears on the Cherokee Shawnee payroll of 1894.

The Commission held that it had no authority to place his name on the roll of the Cherokee Nation because of the provision of the Act of Congress of June 20, 1898, as follows: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Mr. Randall by his attorneys contends that the foregoing provision of law is not applicable because he had, prior to June 20, 1898, to wit: about 1871, established his residence in the Cherokee

Nation.

The office believes that the spirit and intent of the law taken in connection with the Cherokee statutes, which provide that persons who remove from the Cherokee Nation with their effects remove their citizenship therein, is sufficient to bar the Commission and the Department from placing the name of the applicant on the Cherokee roll. It is therefore respectfully recommended that the Commission's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

W. C. V. (3)

D. C. No. 12721-1902.

L. R. S.

ITD. 4127-1902.

48744

DEPARTMENT OF THE INTERIOR.

J. P.

EAF.

Washington, August 1, 1902.

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

Gentlemen:

On July 5, 1902, the Acting Commissioner of Indian Affairs transmitted your letter of May 20, 1902, submitting the case of William P. Randall, applicant for enrollment as a citizen of the Cherokee Nation, and recommended that your decision rejecting the application be concurred in.

It appears that the applicant is identified on the "Shawnee Register," a roll containing the names of those who located in the Cherokee Nation under the terms of a treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians in 1869; that applicant lived in the Cherokee Nation from 1871 to 1874, and that in the latter year he went to Kansas and resided there continuously until 1899 or 1900, when he returned to the Cherokee Nation. His name appears upon the Cherokee Shawnee pay roll of 1896. Referring to section 21 of the act of June 28, 1898 (30 Stat., 495), which provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," you held that the party was not entitled to enrollment.

It is contended by the applicant that the interpretation placed by you upon the act of June 28, 1898, is erroneous; that as he had, prior to June 28, 1898, to wit, about 1871, established his

residence in the Cherokee Nation, he should be enrolled.

The Acting Commissioner states that he believes that the spirit and intent of the act of June 25, 1898, taken in connection with the Cherokee statutes which provide that persons, who remove from the Cherokee Nation with their effects, remove their citizenship therein, are sufficient to bar the Commission and the Department from placing the name of the applicant on the Cherokee roll.

A paper is filed by the applicant's attorney, styled "Motion for Rehearing," which, however, is nothing more than an argument.

Your decision is in harmony with the views of the Department, and is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

ED.

1 inclosure.

August 21, 1900

COPY

Washington, D.C., August 21, 1900

Mr. W. H. Taft, Secretary,
Department of the Interior,
Washington, D.C.

You are hereby notified that the Assistant Secretary of the Interior is the first Assistant Secretary, of the Interior, of the United States, and that the Assistant Secretary of the Interior is the first Assistant Secretary, of the Interior, of the United States, and that the Assistant Secretary of the Interior is the first Assistant Secretary, of the Interior, of the United States.

Very respectfully,

James B. ...
Assistant Secretary

Cherokee 2 14.

COPY.

Waskagee, Indian Territory, August 16, 1902.

Major Smith,

Attorney for William F. Randall,
Vinita, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rendered May 29, 1902, denying the application of William F. Randall for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior August 1, 1902.

Very respectfully,

Wm. Bixby

Acting Chairman.

Shoshone Tribe

Secretary, August 10, 1902.

Fairland, Indian Territory.

Sirs:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rendered May 22, 1902, denying your application for the enrollment of yourself as a citizen by intermarriage with the Cherokee Nation, was affirmed by the Secretary of the Interior August 1, 1902.

Very respectfully,

Larna Bixby

Acting Chairman.

J. P.

V. S. F.
R. A. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D. C. 189 43.

I. T. D. 4187-1902.
5298 & 5299-1903.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

Inclosed herewith is a motion for rehearing in the matter of the application for enrollment of William F. Randall as a citizen of the Cherokee Nation by adoption, submitted by the attorney for the applicant on May 20, 1903.

On May 20, 1902, you decided that the applicant was not lawfully entitled to be enrolled as a member of the Cherokee tribe of Indians, Indian Territory. On August 1, 1902, the Department affirmed your decision.

It appears from the evidence that the applicant is identified on the "Shannon Register", a roll containing the names of those who located in the Cherokee Nation under the terms of a treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians on June 7, 1809. It appears that the applicant lived in the Cherokee Nation from 1851 to 1854, and that in the latter year he went to Kansas and resided there continuously until 1860 or 1862, when he returned to the Cherokee Nation. It also appears that the applicant is identified on the Cherokee-Shawnee roll of 1866.

Section 21 of the act of Congress approved June 30, 1898, provides that-

"No person shall be naturalized who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The questions then arise (1) was the removal and settlement of the applicant in the Cherokee Nation in 1871 made in good faith, and (2) if once being a recognized citizen of the Cherokee Nation, has such citizenship been forfeited?

In the opinion of the Assistant Attorney General in the case of Joseph D. Yeargain et al., decided March 16, 1903, he said:

"There are three elements clearly defined which must concur to effect forfeiture of nationality, or complete expatriation-- viz: removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship there."

Your decision in this case, as well as the decision of the Department, was rendered under a different interpretation of section 21 of the act of June 30, 1898, from that above quoted. The Department therefore rescinds its former action in the matter, and the case is remanded in order that it may accordingly be reindicated by you.

The record in the case of William F. Knapp is
returned herewith.

Respectfully,

(Signed) Thos Lynn
Acting Secretary.

2 inclosures.

D.C.No.18983-1903.

W.C.F.

J.P.

DEPARTMENT OF THE INTERIOR.

RAF.

WASHINGTON.

ITD.4127-1902.
5235 & 5236-1903.

July 10, 1903.

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

Gentlemen:

Inclosed herewith is a motion for rehearing in the matter of the application for enrollment of William P. Randall as a citizen of the Cherokee Nation by adoption, submitted by the attorney for the applicant on May 28, 1903.

On May 20, 1902, you decided that the applicant was not lawfully entitled to be enrolled as a member of the Cherokee tribe of Indians, Indian Territory. On August 1, 1902, the Department affirmed your decision.

It appears from the evidence that the applicant is identified on the "Shawnee Register," a roll containing the names of those who located in the Cherokee Nation under the terms of a treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians on June 7, 1869. It appears that the applicant lived in the Cherokee Nation from 1871 to 1874, and that in the latter year he went to Kansas and resided there continuously until 1899 or 1900, when he returned to the Cherokee Nation. It also appears

that the applicant is identified on the Cherokee-Shawnee pay roll of 1896.

Section 21 of the act of Congress approved June 28, 1898, provides that-

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The questions then arise: (1) was the removal and settlement of the applicant in the Cherokee Nation in 1871 made in good faith, and (2) if once being a recognized citizen of the Cherokee Nation, has such citizenship been forfeited?

In the opinion of the Assistant Attorney General in the case of Joseph D. Yeargain et al., decided March 15, 1903, he said:

"There are three elements clearly defined which must concur to effect forfeiture of nationality, or complete expatriation -- viz: removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship there."

Your decision in this case, as well as the decision of the Department, was rendered under a different interpretation of section 21 of the act of June 28, 1898, from that above quoted. The Department therefore rescinds its former action in the matter, and the case is remanded in order that it may accordingly be readjudicated by you.

The record in the case of William P. Randall is returned herewith.

Respectfully,

(SIGNED) Theo. Ryan,
Acting Secretary.

2 inclosures.

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Cherokee R-645

Tahlequah, Indian Territory, September 30, 1908.

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

Gentlemen:

As requested in Commission's letter of September 26, there is enclosed herewith the original card, jacket and receipt in the matter of the application of William P. Randall for enrollment as a citizen of the Cherokee Nation, Cherokee R-645.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Encl-2-33

222

COPY

Cherokee D-14
(R-648).

Muskogee, Indian Territory, October 20, 1905.

Edgar Smith,

Attorney for William P. Randall,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 25, 1905, granting the application of William P. Randall for enrollment as a citizen of the Cherokee Nation of Shawnee blood. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Enc. D-183
Register.

Commissioner in Charge

Cherokee D-14.
(B-645).

Muskogee, Indian Territory, October 30, 1903.

William P. Randall,

Fairland, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 25, 1903, granting your application for enrollment as a citizen of the Cherokee Nation of Shawnee blood. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Cherokee D-14.
(R-648).

Muskogee, Indian Territory, October 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 10, 1903 (ITD. 4127-1902, 5235-5288-1903), there is herewith transmitted the record of proceedings had in the matter of the application of William P. Randall for enrollment as a citizen of the Cherokee Nation of Shawnee blood, including the Commission's decision dated September 25, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Through the
Commissioner of Indian Affairs.
Enc. D-156.

I. D. McGhee
Commissioner in Charge.

COPY

Refer in reply to the following: Department of the Interior,
Land 68431-1903.

Office of Indian Affairs,

Washington, October 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of July 10, 1903, (I.T.D. 4127-1902, 5235 and 5288-1903), returning to the Commission to the Five Civilized Tribes the record relative to the application of William P. Randall, applicant for enrollment as a citizen of the Cherokee Nation of Shawnee blood, and directing the Commission to readjudicate the case in accordance with the doctrine laid down by the Department in the Yeagain case, there is enclosed herewith a report from the Commission dated October 19, 1903, returning the record in this case. August 1, 1902, the Department held that the applicant was not entitled to enrollment. This decision was rescinded by letter above referred to.

The record in the case shows that the applicant's name appears upon the Cherokee-Shawnee register of Shawnees who removed to the Cherokee Nation in accordance with the Cherokee-Shawnee agreement of June 7, 1869. His name also appears on the 1896 Cherokee-Shawnee pay roll: He resided in the Cherokee Nation from 1871 until 1874, when he removed to Kansas, where he remained until 1900, when

he returned to the Cherokee Nation. He has resided in the Cherokee Nation since his return in 1900. During the time of his residence in the State of Kansas he owned personal property in the Cherokee Nation, and the record does not show that he became a citizen of the State of Kansas. September 25, 1903, the Commission held that the applicant was entitled to enrollment as a citizen of the Cherokee Nation of Shawnee blood. The attorneys for the applicant and the attorney for the Cherokee Nation filed briefs and arguments in the case.

In view of the Department's holding in the Yeargain case and the opinion of the Assistant Attorney General of April 18, 1903 (I.T.D. 1203), the office does not consider it necessary to discuss the briefs and arguments above mentioned, as under the holding mentioned and the Assistant Attorney General's opinion of April 18, 1903, it appears that the Commission's decision is correct, and its approval is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

GAW)CGC

D. C. 6346-1904.
I.T.D. 7828-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP
PHE
LRS

February 18, 1904.

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

Gentlemen:

October 30, 1903, the Commissioner of Indian Affairs submitted the case involving the application of William P. Randall for enrollment as a citizen of the Cherokee Nation of Shawnee blood, and recommended that your decision of September 25, 1903, in favor of the applicant be concurred in.

It is shown that the applicant is identified on the Shawnee register containing the names of the members of the Shawnee tribe who removed and located in the Cherokee Nation in accordance with the terms of the agreement between the Shawnees and the Cherokees, of June 7, 1869. (See laws of the Cherokee Nation, 1892, page 403). It appears that the applicant resided in the Cherokee Nation from 1871 until 1874; that in 1874 he removed to Kansas where he remained until about 1900, when he returned to the Cherokee Nation where he has since resided. It is not shown by the evidence that he ever assumed the obligations of citizenship in Kansas during his residence there. He testified that he did not vote or pay taxes of any description, and never exercised any of the rights of citizen-

ship in that state. The testimony shows that he is on the Cherokee roll of 1896, and that he drew strip money and has been thus recognized as retaining all his rights in the Cherokee Nation. He did not, under the provisions of the Constitution of the Cherokee Nation, divest himself of his citizenship in said nation by his residence in Kansas. It is urged by the attorney for the applicant that while the applicant did not state in his testimony that he was not "naturalized" while in Kansas, the inference of the proof is that nothing of that kind was ever done. It is shown that for more than twenty years he has not had any effects in the nation.

Referring to the ruling of the Department in the Yeargain case, you held that Randall should be enrolled as a citizen of the Cherokee Nation, in accordance with the provisions of section 21 of the act of June 28, 1898 (30 Stats., 495).

The Nation protests against your decision, claiming that the absence of Randall from the Nation in Kansas, caused him to lose his citizenship, and that when he returned in 1900 he should have been readmitted to citizenship.

The Department concurs in your view of the matter, and your decision is hereby affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary

1 inclosure.

Cherokee R-645.

Muskogee, Indian Territory, March 3, 1904.

William P. Randall,

Fairland, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 25, 1903, granting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 18, 1904.

Respectfully,

Commissioner in Charge.

Cherokee R-645

Muskogee, Indian Territory, March 3, 1904.

Edgar Smith,

Attorney for William P. Randall,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 25, 1903, granting the application of William P. Randall for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 18, 1904.

Respectfully,

Commissioner in Charge.

Cherokee R-645.

Muskogee, Indian Territory, March 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 25, 1903, granting the application of William P. Randall for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 18, 1904.

Respectfully,

Commissioner in Charge.

Cher 10379

James Lewis

Cher 10379

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Page 829; 830; 831; 832; 833; 834; 835; 836; 837; 838; 839; 840; 841; 842; 843; 844; 845; 846; 847; 848; 849; 850; 851; 852; 853; 854; 855; 856; 857; 858; 859; 860; 861; 862; 863; 864; 865; 866; 867; 868; 869; 870; 871; 872; 873; 874; 875; 876; 877; 878; 879; 880; 881; 882; 883; 884; 885; 886; 887; 888; 889; 890; 891; 892; 893; 894; 895; 896; 897; 898; 899; 900; 901; 902; 903; 904; 905; 906; 907; 908; 909; 910; 911; 912; 913; 914; 915; 916; 917; 918; 919; 920; 921; 922; 923; 924; 925; 926; 927; 928; 929; 930; 931; 932; 933; 934; 935; 936; 937; 938; 939; 940; 941; 942; 943; 944; 945; 946; 947; 948; 949; 950; 951; 952; 953; 954; 955; 956; 957; 958; 959; 960; 961; 962; 963; 964; 965; 966; 967; 968; 969; 970; 971; 972; 973; 974; 975; 976; 977; 978; 979; 980; 981; 982; 983; 984; 985; 986; 987; 988; 989; 990; 991; 992; 993; 994; 995; 996; 997; 998; 999; 1000

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 29 1901

~~Handwritten signature~~

CHIEF

Faint, mostly illegible text, possibly a letter or report, containing various lines of text and some numbers.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., MARCH 25th, 1901.

In the matter of the application of James Lewis for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Lewis being sworn and examined by Commissioner T. P. Needles, testified as follows, through Interpreter Simon R. Walkingstick:

- Q What is your name? A James Lewis, about 48 years old; Turley post office.
- Q What district does he live in? A Coowescoowee.
- Q Is he a full blood Cherokee? A Yes, sir.
- Q Who does he want to enroll besides himself? A Himself, wife and children.
- Q What is his wife's name? A Sally.
- Q Is she a Cherokee by blood? A Yes, sir; part Cherokee and Shawnee.
- Q What was her name before he married her? A Ella.
- Q How old is she? A About 40.
- Q What are the names of his children? A Nannie. 21 years old Nannie is.
- Q Is she here? A No, sir; Jefferson, 18 years old; Runabout is the next one, 15 years old; David, is the next one.
- Q Well? A 13 years old; Bird, nine years old.
- Q Well next? A Thompson, five years old; Jacob, three years old.
- Q Is Sally the mother of all these children? A Yes, sir.
- Q Are they all living with him? A Yes, sir.
- Q Has he always lived in the Cherokee Nation himself? A He has only been in the Cherokee Nation eight years.
- Q Where has he been before that? A I lived among the Shawnees out in Oklahoma.

BY S. J. SCOTT, of Tecumseh, O. T., Attorney for Applicant:

Q If he did not have a residence also in Coowescoowee district as far back as ten years ago? A Not to have ahm; I really consider that my home was not; it has only been eight years that I have really had a home in that district.

BY COMMISSIONER NEEDLES:

- Q Where was he born? A IN Canadian District.
- Q Is his name on the roll of 1880? A I think not; my wife's name is on the 1880 roll.
- Q Why is not his name on the 1880 roll? A It must be from the fact that I was not located at any permanent place; I was just here and there and not in this country at that time.

INTERPRETER: He says that he was admitted by the National Council during the administration of Joel Mayes as Chief, in 1890.

BY W. W. HASTINGS, Cherokee Representative:

- Q How old were you when you left the Cherokee Nation? A Why, I must have been along about eight years old.
- Q Then you left the Cherokee Nation before the War? A Yes, sir; just after the commencement of the War my parents, at the breaking out of the War, went out of the Cherokee Nation and went West.
- Q And you never did remove back here until about eight years ago? A Yes, sir.
- Q That is true is it? A Yes, sir.
- Q Where did you marry this woman? A Out there.
- Q In Muskeetown? A Yes, sir; we really was not married according to law.

James Lewis, et al.--3.

Q All these children born out there? A Three of our children were born in this country.

Q Ask him if the Shawnees out there in that Shawnee country did not take allotments? A Yes, sir, and I also got an allotment.

Q Got one for his wife? A Yes, sir.

Q And his children that were then born? A Yes, sir; these children that were born out there.

Q That country is a part of Oklahoma? A Yes, sir; he says that he relinquished his title to the land that they had given him; it was really without his consent he says; he said that he belonged to the Cherokee Nation and he returned the deed to the land; returned the deed to Washington City, to the Secretary of the Interior, he says.

Q The Shawnees that took allotment down there are what are known as Absentees? A I think so; they must have been; I could not say as to what class of Shawnees they were, but they were Shawnees.

Q Are you part Shawnee yourself? A No, sir.

Q Was your mother Cherokee? A Yes, sir.

Q Your father Cherokee by blood? A Yes, sir; that is what he stated.

Tribal Rolls of citizens of the Cherokee Nation examined and Applicants' names found thereon as follows:

1894 Pay Roll:

Page 233, #2525,	James Lewis,	Coowesscoowee District.
Page 233, #2526,	Sallie Lewis,	" "
Page 233, #2527,	Nannie Lewis,	" "
Page 233, #2528,	Jeff Lewis,	" "
Page 233, #2529,	Runabout Lewis,	" "
Page 233, #2530,	David Lewis,	" "
Page 233, #2532,	Bird Lewis,	" "

Com's Notes:--James Lewis applies for the enrollment of himself, his wife and seven children: His name is found upon the pay roll of 1894. The name of his wife, Sally, is also found upon the pay roll of 1894. The names of his children, Nannie, Jefferson, Runabout, David and Bird, are found upon the pay roll of 1894. Applicant says that he has two other children, Thompson and Jacob, whose names do not appear upon said roll, having been born since the said roll was compiled. Their names are not found upon the authenticated roll of 1880, neither do they appear upon the census roll of 1896. By reason of the facts as to the citizenship of said James Lewis, his wife and family, final judgment as to the enrollment of said parties will be suspended and their names will be placed upon a doubtful card. It will be necessary for him to file with this Commission satisfactory proof of birth as to his two younger children, Thompson and Jacob.

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J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O. Rosson

Subscribed and sworn to before me this 26th day of March, 1901.

W.D. Green
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., MARCH 25th, 1901.

In the matter of the application of James Lewis for the enrollment of some other children, JENNIE, JOHN AND HATTIE LEWIS, as citizens of the Cherokee Nation; said Lewis being sworn and examined by Commissioner T. B. Needles, testified as follows, through Interpreter Simon R. Walkingstick:

- Q What is your name? A James Lewis, about 48 years old; Turley post office.
Q What district does he live in? A Cooweescoowee.
Q Is he a full blood Cherokee? Yes, sir.

Com'r Needles:--Applicant applies for the enrollment of three Orphan Children:

- Q What are their names? A Jennie Lewis, 15 years old; John Lewis, is the next one.
Q How old is John? A 12 years old; Hattie.
Q How old is Hattie? A Ten years old.
Q What is the father's name of these children? A Charles Lewis.
Q Is he living? A No, sir, dead.
Q What is their mother's name? A He says she had a Shawnee name.
Q Are these children living now? A Yes, sir.
Q Living with him? A Yes, sir, but they are going to School now.
Q Where were these children born? A They were born out in Oklahoma. Well, the last one was born in the Cherokee Nation.
Q Did Charles Lewis and his wife ever live in the Cherokee Nation? A Yes, sir.
Q Where did he die? A He died in the Creek Country while out on a visit.
Q How long did he live in the Cherokee Nation? A Just about the same way I lived in the Cherokee Nation.
Q He states that his testimony in regard to Charles Lewis would be about the same as himself? A Yes, sir.
Q Was Charles Lewis his brother? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

- Q About how old would Charles Lewis have been now? A He would have been about 29 or 30 years old.
Q Then Charles Lewis was born out of this country? A No, he was born up North somewhere.
Q Was not born in the Cherokee Nation? A No, sir; he was not born in the Cherokee Nation.
Q And Charles Lewis never lived in it until about eight years ago? A Yes, sir; he didn't come here until about eight years ago.

BY COMMISSIONER NEEDLES:

- Q You say Charles Lewis would be about 29 years old; he has a child 15 years old? A Yes, about 29 or 30, he says he could not state as to what his age is.

Tribal Rolls of citizens of the Cherokee Nation examined and name of these children found therein as follows:

1894 Pay roll:

- Page 223, 2622, Charles Lewis, Cooweescoowee district.
Page 225, 2635, Jennie Lewis,
Page 225, 2634, John Lewis, Cooweescoowee District.
Page 225, 2627, Charles Lewis, Cooweescoowee District.

Com'r Needles:--The name of Charles Lewis, the father of

the children applied for, is found upon the pay roll of 1896. The names of the three children, Jennie, John and Hattie Lewis, are found upon the pay roll of 1894. Their names are not found upon the census roll of 1896, and the names of their father and mother do not appear upon the authenticated roll of 1880. Reference is here made to the case of James Lewis, D. 1166. Final judgment as to the enrollment of said children as Cherokee citizens by blood will be suspended and their names will be placed upon a doubtful card.

Q Did Charles Lewis ever take an allotment out--? A No, sir.

BY W. W. HASTINGS:

Q His wife? A His wife did.

Q These children? A Two did, I think, took allotments.

BY COMMISSIONER NEEDLES:

Q The two eldest? A Yes, sir.

Q Did they keep the allotments or did they return them? A They relinquished their land.

BY W. W. HASTINGS:

Q Did they get anything for relinquishing? A Yes, sir; they were paid for the little improvements they had.

Q All paid the same? A No, sir; different, some pretty good amounts and others small amounts.

BY COMMISSIONER NEEDLES:

Q Was he paid for his improvements? A Yes, sir; I was paid.

Q Who paid him? A This man standing here. (Referring to S. J. Scott, Applicant's Attorney.)

Q Did this man buy them or pay him as Agent? A Well, he really didn't buy it, he give me some money to help me along to get away from there.

Q What was this man's name, Scott? A Yes, sir.

S. J. SCOTT, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A S. J. Scott. (Post office, Tecumseh, O.T.)

Statement by Witness: The trust Patents issued to James Lewis and children then of age and to the children of Charley Lewis, two of them, were cancelled by the Honorable Secretary of the Interior, February 6th, 1896, based on certificates furnished to said Honorable Interior Department with the Seal of the Cherokee Nation thereon.

BY W. W. HASTINGS:

Q When did they receive these allotments? A My recollection is that these allotments were approved by the Secretary of the Interior before 1891.

Q You were an Indian Agent out there? A No, sir; I was a United States License Indian Trader.

Q What made you pay these men for their improvements?

Jennie Lewis, et al. - 3.

COMM. PH. 10 11

WILLIAM S. KILPATRICK

little more than the land but the
... E. H. ...

Q. These people were not going to live there and would not stay there and I knew that they were on the Cherokee roll and I knew that the government would not let them exercise two rights; I knew that they were determined to come back to their people and know that some one would come along and take them. *the land*

Q. You paid them? A. I paid them, he got his pay.

Q. Who got the improvements afterwards? A. James H. Gill.

Q. Who is he? A. He is a white man.

Q. Did he get the lands, also the allotments? A. No, sir, these things, come up in this way, you relinquish them back to the Government and then they become public domain and then they file upon them and pay the Government the usual fees.

Q. Who filed upon these allotments? A. That is the party--Gill.

Q. Is Gill any relation to you? A. Yes, sir, he is my son-in-law. This man had eighty acres of land; the children's land was filed upon there by J. W. Lewis.

---sec000---

J. O. Ressen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Ressen

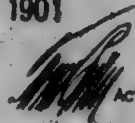
Subscribed and sworn to before me this 26th day of March, 1901.

~~Commissioner~~
M. D. Green
Notary Public

13
1166

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

FILED
MAR 25 1901


ACTING CHAIRMAN

CHEYENNES BY BLOOD AND ADOPTION

101

101

[Faint, illegible handwritten notes and signatures]

CHEROKEES BY BLOOD AND ADOPTION.

Date March 15, 1901 1901

Name Jamie Lewis

District Coo Year 1894 Page 223 No. 2525

Citizen by blood yes full Mother's citizenship Cherokee

Intermarried citizen no

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Lulu Lewis

District Coo Year 1894 Page 233 No. 2526

Citizen by blood yes full Mother's citizenship Cherokee

Intermarried citizen no

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Name	Dist.	Year	Page	No.	Age
<u>Jamie Lewis</u>	<u>Coo</u>	<u>1894</u>	<u>233</u>	<u>2527</u>	<u>21</u>
<u>Walter Lewis</u>	<u>Coo</u>	<u>1894</u>	<u>233</u>	<u>2528</u>	<u>18</u>
<u>Donald Lewis</u>	<u>Coo</u>	<u>1894</u>	<u>233</u>	<u>2529</u>	<u>15</u>
<u>David Lewis</u>	<u>Coo</u>	<u>1894</u>	<u>233</u>	<u>2530</u>	<u>13</u>
<u>Bird Lewis</u>	<u>Coo</u>	<u>1894</u>	<u>233</u>	<u>2532</u>	<u>9</u>
<u>Walter Lewis</u>	Dist.	Year	Page	No.	Age
<u>Jacob Lewis</u>	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

MOA on 1894 roll as Jeff Lewis

MOA 8+9. Birth certificates required:-

Not by S. J. Scott, when case is taken up for final hearing. Make cross reference.

COMMIS.

FILED
MAR 19 1962

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~~R~~

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

March 3, 1902

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of

James Lewis, et al.

for enrollment as

Cherokee ~~citizens~~ citizens.

No. D-1166

J. B. Scott

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 20, 1902.

In the matter of the application of James Lewis for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by S. J. Scott.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902. The applicant this day appears in person and by his attorney, S. J. Scott.

COMMISSION: Is there any statement you desire to make relative to this application?

MR. SCOTT: Well, sir, I was under the impression that everything that I would have to say would have to be put in written shape and filed, which I have done, reserving a copy for myself.

COMMISSION: Well, now, if you will just sign this it will answer the part of a brief, and we will file it in the case. The attorney for the applicant presents brief in the case, which will be filed and made a part of the record.

The agent for the applicant requests and will be granted ten days in which to furnish the Commission with evidence of the admission of James Lewis to citizenship in the Cherokee Nation.

The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the same is now deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

4916

Check D 1166-A

July

1908
MAY 1 1908
MAY 1 1908

CHAS

LAWS OF THE CHEROKEE NATION PASSED THE SESSION OF 1888.

SENATE BILL, No. 23.

An Act readmitting the following named persons to citizenship in the Cherokee Nation,

Be It Enacted by the National Council,;

That the following named persons, to wit: Thomas Ellis, Sarah Ellis now the wife of James Lewis, a Cherokee age 28 years, Edward Ellis age 26 years, Eli Ellis, age 24 years, Debby Ellis, age ~~22~~¹⁷ years, Lucy Ellis, age 9 years, Issac Ellis, age 7 years, William Ellis, age 5 years, Sarah Ellis, now the wife of James Lewis, living at Shawnee Town, is the mother of three children, to wit: Anna Lewis, age 9 years, Jackson Lewis, age 4 years, Billy Lewis, age 2 years; Edward Ellis, named above, whose wife is a Creek Indian, named Lucy, now residing at Shawnee Town has three children, to wit: Calbert Ellis, age 7 years, Lizzie Ellis, age 5 years, Nellie Ellis, Age 2 years. Eli Ellis, named above is the husband of Cah-s-the, a Shancee, has five children, to wit: Julia Ellis, age 6, years Nancy Ellis age 4 years, Robert Ellis, age 2 years, Fanny Ellis, age 1 year, James Ellis, age 7 months. The mother of the two children last mentioned, is the second wife of Eli Ellis, named Betsy, a Shawnee Indian, and Austin Sampson, age 13, years, Lizzie Sampson, age 9 years John Sampson age 2 years, Thomas Sampson, age 3 months, are the Children of James Sampson, deceased, who was a Cherokee, be, and they are hereby re-admitted to all the rights and privileges of citizenship into the Cherokee Nation.

Be It Further Enacted: ,T

That the above named persons shall remove within the Cherokee Nation and locate and report to the Principal Chief within twelve months from the passage of this act; otherwise they shall forfeit thier citizenship in the Cherokee Nation .

Passed the Senate, Nov. 24, 1888,

M. Daniel,
Cl'k Senate,

Lacy Hawkins,
President of Senate.

Concurred in by the House Nov. 27th, 1888.

R. B. Cheat.
Clerk of Council,

Robert Meigs,
Speaker, Council,

Approved: Nov: 28th, 1888.

J. P. Hayes,
Prin. Chief.

Executive Department,

Cherokee Nation,

Tablequah, Ind. Ter.

March, 24-1902,

I, A.B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing page of typewritten matter is a true and literal copy of Senate Bill No. 23, Entitled, "

An Act readmitting the following named persons to citizenship in the Cherokee Nation"

Approved by the Principal Chief,

November 27th, 1888. As copied from the Record of Laws of the Cherokee Nation, passed in the year of 1888.

In testimony whereof,

I hereto set my hand and affix the seal of the Cherokee Nation, the year and day first above written.

A. B. Cunningham
Assistant Executive Secretary.

71-1002

101119

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Cherokee I. T. June 10, 1902.

In the matter of the application of James Lewis et al for enrollment
as citizens of the Cherokee nation.

Cherokee D 1166.

Brief on part of the Cherokee Nation.

The testimony in this case shows that James Lewis is is forty-eight
years of age; he claims to have been born in the Cherokee Nation; that
he left the Cherokee Nation some time during the war, has resided without
the limits of the Cherokee nation until about eight years ago when he
returned to the Cherokee Nation; there is no evidence whatever that he
has been readmitted to citizenship in the Cherokee Nation upon his return.
He evidently heard of the sale of the Cherokee Strip and that a large
payment would be made in the Cherokee nation and he returned evidently for
the purpose of getting his name placed upon the 1894 pay roll and un-
questionably upon the theory of silence and division he succeeded in
doing this. But the Cherokee National Council subsequently stated in
the act of May 3rd 1894, in making this a pay roll that it would not
authenticate this roll and that it was not an authenticated roll and that
the Cherokee nation would not be bound by the roll and hence we contend
that it is not a roll of the Cherokee Nation and that if the names of
the applicants appear thereon when none of the children were born
within the limits of the Cherokee nation and the father had not resided
here since the civil war that clearly they were placed thereon "without
authority of law," because only recognized citizens should have been
placed upon that roll and if the applicant James Lewis was absent from
the Cherokee nation since the civil war a period of more than thirty
years, married outside of the Cherokee Nation, children all born outside

them allotments in the Absentee Shawnee Reservation but for some peculiar reason known perhaps to their Agent S. J. Scott alone these valuable allotments were relinquished and they removed to the Cherokee nation. There is no evidence whatever of the citizenship of the applicant. It is true that a letter is on file from the Acting Commissioner of Indian Affairs stating that these people were the heirs of some Old Settler Cherokee but that is no evidence of their citizenship neither is it evidence of their blood because white heirs from a number of states even as far west as California participated in the distribution of the old settler money, none of whom were recognized citizens of the Cherokee Nation. If this family desired to have been readmitted to citizenship in the Cherokee Nation they should have complied with the constitution of the Cherokee Nation and memorialized the authorities of the Cherokee nation having jurisdiction to readmit to citizenship in the Cherokee Nation or they could have applied to the James Commission in 1896 under the act of June 10, 1896 when the Commission was then engaged in making hearing applications for admission to citizenship. The Commission is now charged with making a roll of the recognized citizens of the Cherokee nation and we do not see how it can be contended that James Lewis and his family are recognized citizens of the Cherokee Nation unless they show that they have been legally readmitted to citizenship therein in accordance with the constitution and laws of the Cherokee nation or the act of the Congress of the United States. No showing of this kind has been furnished. No certificate of readmission is on file. True they were illegally placed without authority of law on the 1894 roll but as above observed the act of May 3rd 1894 refused to confirm this roll. These people were refused enrollment in 1896 by the census takers and by the National Council and rightly so because they had not been residents of the Cherokee Nation since the civil war. If the Commission sees its way clear to enroll this family it would seem to us that the way would be open for all people claiming rights of citizenship by Cherokee blood to again submit their applications for citizenship in the Cherokee Nation before the Commission. Congress never intended to confirm the 1894 roll but it was clearly the

intention of Congress to confirm the eighteen hundred and eighty roll
and the names of the applicants appearing upon subsequent rolls is only
corroborative of the fact that they were residing here at that time.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation.

WYDE IN A-3-V

A-2-8-R-NECENI-TIME

DEPARTMENT OF THE INTERIOR.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, November 18th, 1902.

In the matter of the application of James Lewis for the enrollment of himself; his wife, Sallie Lewis; his children, Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and his grandson, Frank H. Lewis, as citizens by blood of the Cherokee Nation

Supplemental to D-1166.

Cherokee Nation appears by J. C. Starr.

WILLIAM CHISHOLM, being duly sworn, testified as follows:

Examination by the Commission.

- Q. State your name? A. William Chisholm.
 Q. How old are you? A. I guess I am about 29; somewhere along there.
 Q. What is your post office? A. Turley.
 Q. Do you know James Lewis? A. Yes, sir.
 Q. How long have you known him? A. I knowed him just as long---
 Q. As long as you can remember? A. Yes, sir.
 Q. Do you know Jennie Lewis? A. Jennie Lewis? That is Charley's daughter.
 Q. How old is she? A. I don't know how old she is now. She is about 14.
 Q. Do you know John and Battie? A. Yes, sir.
 Q. Do you know Alice Chism, Lewis Lewis' daughter? A. Yes, sir.
 Q. Do you know Nancy Chisholm? A. Yes, sir.
 Q. A sister of James Lewis? A. Yes, sir.
 Q. Do you know Sallie Chisholm? A. Yes, sir; she is my wife.
 Q. She is a sister of James Lewis? A. Yes, sir.
 Q. Do you know Lucy Chisholm? A. Yes, sir.
 Q. She is a niece of James Lewis? A. Yes, sir.
 Q. Do you know Rosa Chisholm? A. Yes, sir.
 Q. She is a niece of James Lewis? A. Yes, sir.
 Q. Where are all these people living? A. Living over on Bird creek. It is called Coowesscoowee.
 Q. Coowesscoowee district? A. Yes, sir.
 Q. How long have they been living there? A. I guess somewhere along about 15 years.
 Q. They have been living in the Cherokee Nation that long?
 A. Yes, sir. I knew they been here since the last payment.
 Q. The last payment? A. Yes, sir.
 Q. That was in 1894? A. I guess about 14 or 15; something like that.
 Q. Where was Jim Lewis living when you first knew him?
 A. Well, he used to live up there with the Shawnees.
 Q. In Oklahoma? A. Yes, sir.
 Q. What do you know about Jim Lewis and these people having taken allotments in Oklahoma with the Shawnees? A. We took allotments but we relinquished them back to the government.
 Q. How long ago since they gave it up to the government?
 A. Since then they moved down here.
 Q. Are you positive that these people that I have mentioned have been living in the Cherokee Nation 15 years? A. Yes, sir.
 Q. Do you know Jim Lewis' parents? A. No, sir. I knowed his mother, that is all.
 Q. Was she a Cherokee? A. She was a full blood Cherokee.
 Q. Did she ever live in the Cherokee Nation? A. Yes, she lived here.

Q. When did Jim come to the Cherokee Nation? A. I can't tell you about it.

Q. You learned to know him after he came back? A. Yes, I was going to school there at the Shawnee mission.

Q. You learned to know him there? A. Yes, sir.

Q. Is he a full blood? A. Yes, sir; I guess he is a full blood.

Q. How long have you been married to Sallie Lewis, Jim Lewis' sister? A. I guess about 8 years.

Q. Has she been living in the Nation all the time? A. I been down in the Creek Nation.

Q. Well, been living in the Indian Territory all the time? A. Oh, yes.

Q. Have these people always been known as Cherokees or Shawnees? A. No, been known as Cherokees.

Q. What are they, Cherokees or Shawnees? A. Cherokees. They are adopted Shawnees, though.

Q. Adopted by the Shawnees? A. Yes, sir. They got land there but they didn't want land there. They didn't want it, they wanted to take land with the Cherokees.

Q. You don't know, prior to 18 years ago, whether they lived here? A. Well, he used to come down this way, you know.

BY MR. STARR:

Q. Where was Jim Lewis living when you first knew him? A. Living the other side of Shawnee.

Q. Shawnee, Oklahoma? A. Yes, sir.

Q. When was that? A. I don't know. It must have been, I guess, 20, a little over 20 years. Somewhere along there.

Q. Did all these people live out about Shawnee, too? A. Yes, sir.

Q. How far from Shawnee did they live? A. Well, they used to live this side of Norman, I think.

Q. Near Norman, Oklahoma? A. Yes, it was in Oklahoma. Then they moved again and came down to just the other side of Shawnee, Shawnee city.

Q. Where were they living when they took these allotments? A. They were living there.

Q. You say they were living out in Oklahoma, near Shawnee, near that town, when they took these allotments? A. Yes, sir. The other side of Shawnee town.

Q. When you first knew them they were living in Oklahoma? A. Yes, sir.

Q. Have they been living in Oklahoma since they took these allotments? A. No, sir.

Q. How long did they live there after that? A. They didn't live there long. They turned them back to the government and come to the Cherokee Nation.

Q. How long after they relinquished these allotments before they came to the Cherokee Nation? A. I don't know. I guess it must be pretty near, somewhere about 18 years.

BY THE COMMISSION:

Q. You don't understand the question. He asked you how long after they gave up these allotments in Oklahoma was it before they came to the Cherokee Nation? A. Well, I don't know how long that is now.

Q. Did they ever make any crops over there in Oklahoma? A. When they had them allotments?

Q. Yes. A. No, sir.

Q. Did they have the land long enough to make a crop? A. No, I don't think so. You see they come to now move this way in the fall sometime.

Q. What time of the year did they take the allotments? A. I don't know what time it was.

Q. Did they give up the allotments the same year they took them? A. About one year.

- Q. Where did they go after they relinquished the allotments?
 A. Come back over on Bird creek.
 Q. In the Cherokee Nation? A. Yes, sir.
 Q. Have they been living there ever since? A. Yes, sir; living there yet.

BY MR. STARR:

- Q. They were living in Oklahoma at the time they took this land?
 A. Yes, sir, they lived in Oklahoma. They just relinquished the land.
 Q. They lived in Oklahoma before that? A. Yes, sir.
 Q. And after that they come to the Cherokee Nation? A. Yes, sir.
 Q. Where do you live? A. I live on Bird creek.
 Q. In the Cherokee Nation? A. Yes, sir.
 Q. How long have you been living in the Cherokee Nation? A.
 A. I lived there about 3 years. I used to live out in the Creek.
 Q. In the Creek Nation? A. Yes, sir.
 Q. You have only lived in the Cherokee Nation within the last three years. Ever live in the Cherokee Nation before that?
 A. No, never did live in it.
 Q. How about James Lewis, how long has he lived in the Cherokee Nation? A. I don't know; somewhere along about 13 or 14; somewhere along there.
 Q. Do you know how long it was he had this land? A. No, I don't. You see I was in Kansas to school, and when I come back, you see they had left there, you know. I was up in Kansas.
 Q. When was it you were up in Kansas? A. Well, I guess pretty near about 16 years, somewhere along there.
 Q. Has James Lewis lived on Bird creek ever since he lived in the Cherokee Nation? A. Yes, sir.
 Q. Never lived in any other part of the Cherokee Nation?
 A. No, sir.

BY THE COMMISSION:

- Q. Where was your wife living when you married her? A. They were living over to Cherokee.
 Q. The Cherokee Nation? A. In Oklahoma. She was with Jim's sister.
 Q. How long ago did you marry her? A. 8 years ago.
 Q. Where was Jim Lewis living then? A. Jim Lewis started back over this way.
 Q. Jim was living here but Jim's sister wasn't living here.
 A. No, she was a widow you know.
 Q. In Oklahoma? A. Yes, sir.
 Q. Did you bring her back to the Territory? A. Yes, sir.
 Brought her back to my nation. The Creek Nation. My oldest brother had her. She had been staying with my sister. That is how I got her. They have been living in the Creek Nation but Jim been living over this way.
 Q. How long has Jim been living in the Territory?
 A. He has been living about 14, somewhere along there, in the Cherokee Nation.
 Q. Has his wife Sallie been living with him all that time?
 A. Yes, sir.
 Q. How long has Jennie Lewis lived here? A. Jennie Lewis is a little girl. She is going to school at Shawnee.
 Q. How long has Alice Chism lived here? A. They been with Jim.
 Q. She has lived here as long as Jim has? A. Yes, sir.
 Q. Who is Nancy Chism? A. That is my brother's wife.
 Q. How long has she been living here? A. I don't know how long they been living here; about 8, somewhere along there.
 Q. 8 years? A. Yes, sir.
 Q. She hasn't been here as long as Jim? A. No, sir.
 Q. How long has Sallie been here? A. She has been with me all the time.

Q. About 8 years? A. Yes, sir.
 Q. She is your wife? A. Yes, sir.

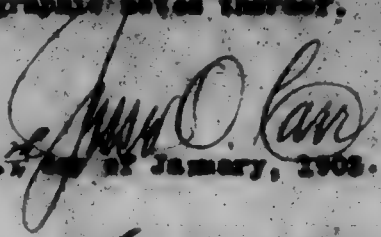
It is ordered that copies of this testimony be filed with and made a part of the record in the following cases:

- Jennie Lewis, et al. - - - - - D-1167.
- Alice Chism, et al. - - - - - D-1168.
- Nancy Chisholm, et al, - - - - - D-1200.
- Sallie Chisholm, et al. - - - - - D-1201.
- Lucy Chisholm. - - - - - D-1240.
- Reba Chisholm. - - - - - D-1249.

as well as the case at bar, being that of James Lewis, et al., D-1100.

XX

James O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 21st day of January, 1903.

Samuel Foreman
 Notary Public.

MISSIO

JAN 16 1906

LIBRARY

THE UNIVERSITY OF MICHIGAN

DEPARTMENT OF THE INTERIOR.
 Commission to the Five Civilized Tribes.
 Vinita, Indian Territory, January 7th, 1903.

In the matter of the application of James Lewis for the enrollment of himself; his wife, Sallie Lewis; his children, Hannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and his grandson, Frank N. Lewis, as citizens by blood of the Cherokee Nation.

Supplemental to D-1166.

Appearances:

Applicant appears in person;
 Cherokee Nation by J. C. Starr.

JAMES LEWIS, being duly sworn, testified as follows through Official Interpreter, Samuel Foreman:

Examination by the Commission.

- Q. What is your name? A. James Lewis.
 Q. How old are you? A. About 80.
 Q. What is your post office? A. Turley.
 Q. Are you an applicant to be enrolled as a citizen of the Cherokee Nation? A. Yes, sir.
 Q. Are you Cherokee Indian? A. Yes, sir; I am a Cherokee.
 Q. Are you a full blood Cherokee? A. Yes, sir.
 Q. What is your father's name? A. Lewis.
 Q. Lewis Lewis? A. Yes, sir.
 Q. Is he a full blood Cherokee? A. Yes, sir; he is full blood.
 Q. Is he living or dead? A. He is dead.
 Q. When did he die? A. He has been dead a good while. I couldn't state how long it has been since he died.
 Q. He has been dead 20 years? A. Yes, probably longer.
 Q. What was the name of your mother? A. Cheoornhla.
 Q. How long has she been dead? She is dead? A. Died in 1896.
 Q. She was a full blood Cherokee Indian? A. Yes, sir; she was a full blood.
 Q. Where were you born? A. In Canadian district.
 Q. In the Cherokee Nation? A. Yes, sir.
 Q. How old were you when your father died? A. I couldn't state how old I was.
 Q. Were you grown up? A. No, sir; I was just a boy.
 Q. How long did you continue to live in Canadian district?
 A. I lived in Canadian district until up to the time of the war, we left and went south and after the war we lived west.
 Q. Did you and your parents go out of the Cherokee Nation during the war? A. Yes, sir.
 Q. The whole family? A. Yes, sir.
 Q. Where did you go? A. We went up north some place.
 Q. Out of the Cherokee Nation? A. Yes, sir.
 Q. When did you come back? A. After peace was made we went west.
 Q. Where to? A. In the Chickasaw Nation part of the time and in the Creek Nation.
 Q. After peace was made did you go out of the Indian Territory?
 A. After peace was made, after the war, we came to the Creek Nation and some stayed in the Chickasaw Nation and some and about 10 years ago I came back to the Cherokee Nation.
 Q. From the time that peace was made up to 10 years ago were you outside of the Indian Territory? A. Yes, sir.

Q. Where were you, in which of the states? A. In Oklahoma.
Q. Were you in any of the states? A. In that country the country was sectionized and we were given land and I refused to take mine.
Q. What country was that? A. Oklahoma. Mixed, Pottawattomie.
Q. Is the Creek Nation, the Chickasaw Nation and Oklahoma the only places you have been outside of the Cherokee Nation? A. Yes, sir; that is the only place I have been.
Q. Have you ever lived in Texas? A. No, sir.
Q. Kansas? A. No, sir; not that I know of.
Q. Missouri? A. No, sir.
Q. None of the states? A. No, sir.
Q. Where did your father die? A. Out west somewhere on some creek.
Q. In Oklahoma? A. Yes, sir.
Q. Did you live with your father and mother up to the time your father died? A. Yes, sir.
Q. After your father died did you continue to live with your mother? A. Yes, sir.
Q. Were you living with your mother, or was she living with you at the time she died in 1898? A. No, sir.
Q. Where was your mother living when she died? A. She died in the Creek Nation but we were living in the Cherokee Nation at the time.
Q. Where were you living in 1880? A. In the Seneca Nation.
Q. Did you ever take an allotment or reservation in Oklahoma or in the Seneca Nation or in any other Indian tribe?
A. Yes, sir.
Q. In which tribe? A. Shawnees.
Q. With the Shawnees in Oklahoma? A. Yes, sir.
Q. When was that? A. I think it was in 1890.
Q. How long did you hold that reservation? A. Not a year.
Q. Is your wife a Shawnee Indian? A. She is part Shawnee and Cherokee.
Q. Her name is Sallie, is it? A. Yes, sir.
Q. What was her father's name? A. Tom Ellis.
Q. Was he a Cherokee Indian? A. Yes, sir.
Q. When did he die, if you know? A. About 3 years ago. I can't just exactly state the date.
Q. What was your wife's mother's name? A. I don't know her mother's name. She was a Shawnee.
Q. Was her mother a full blood Shawnee? A. Full blood Shawnee.
Q. Her father was a full blood Cherokee? A. No, sir; mixed. Cherokee and Shawnee.
Q. When did you marry your wife Sallie Ellis? A. About 23 years ago.
Q. She has been living with you all the time since you were married to her? A. Yes, sir.
Q. Where did you marry her? A. In Oklahoma.
Q. Was she living among the Shawnees in Oklahoma when you married her? A. Yes, sir.
Q. Did she take a reservation out there among the Shawnees in Oklahoma? A. Yes, sir.
Q. At the same time you took one? A. Yes, sir.
Q. Does she still hold that reservation? A. Yes, sir.
Q. How did you come to take a reservation among the Shawnees?
A. I don't really know.
Q. How did you get that reservation, through the Indian agent out there? A. The one that issued the deeds to the Shawnees.
Q. How many acres did you get? A. 80.
Q. You occupied and held possession of that 80 acres for a year and then gave it up? A. Yes, sir; about a year and gave it up and also returned the papers to the agent.

- Q. Returned the deed to the agent? A. Yes, sir.
- Q. And you have never occupied that land since that time?
- A. No, sir.
- Q. Your wife still holds her reservation out there? A. Yes, sir; she has her allotment yet.
- Q. She doesn't claim the right to any allotment in the Cherokee Nation, then, does she? A. I don't really know.
- Q. How many children have you by your wife Sallie? A. Seven.
- Q. What are their names--Nannie, is that your child by Sallie?
- A. Yes, sir.
- Q. Jefferson? A. Yes, sir.
- Q. Ransbent? A. Yes, sir.
- Q. David? A. Yes, sir.
- Q. Bird? A. Yes, sir.
- Q. Thompson? A. Yes, sir.
- Q. Jacob? A. Yes, sir.
- Q. Frank H.? A. Jacob is the youngest of my own children.
- Q. Who is Frank H. Lewis, your grand child? A. Yes, sir; I have a grand child by that name.
- Q. Who is the mother of Frank Lewis? A. Nannie is the name of the child's mother.
- Q. Now, do these children of you and your wife Sallie have a reservation out among the Shawnees in Oklahoma? A. No, sir.
- Q. None of them? A. Not one.
- Q. How many children did you have at the time that you and your wife took reservations out there? A. Only four.
- Q. Didn't the children also get 80 acres a piece when you and your wife got yours? A. They only got 40 acres a piece.
- Q. Did each child get 40 acres a piece? A. Yes, sir; they got 40 acres a piece, each of the four children.
- Q. Do they still hold that 40 acres a piece? A. No, sir.
- Q. Did they get deeds for it? A. Yes, sir; they got deeds but I turned in the deeds when I did mine.
- Q. You turned in the deed for your allotment and your children's but not for your wife's? A. Yes, sir.
- Q. Did any of your other children ever get deeds for land out there? A. No, sir.
- Q. Now, you say you and your wife and family came back to the Cherokee Nation about 10 years ago? A. Yes, sir; about that time.
- Q. Where did you go to, what district? A. Cee-wee-scoo-wee.
- Q. Have you been living in Cee-wee-scoo-wee ever since that time?
- A. Yes, sir; we live in Cee-wee-scoo-wee at the present time.
- Q. And have for the past 10 years? A. Yes, sir.
- Q. What does your wife do with her forty acres over there along the Shawnees in Oklahoma. A. She has it rented out.
- Q. Are all of the children whom I have named living at this time?
- A. Yes, sir.
- Q. Did you draw the strip payment money? A. Yes, sir.
- Q. For yourself and your wife and your children? A. Yes, sir; my wife and also children, drew the strip money.
- Q. Who is Jennie Lewis? A. Jennie Lewis is my brother's daughter.
- Q. What is your brother's name? A. Charles Lewis.
- Q. Is Charles Lewis living or dead? A. He is dead.
- Q. When did he die? A. He died in 1896, I think.
- Q. Was he older or younger than you? A. Younger than I am?
- Q. Did he live with his father and mother just the same as you did?
- A. Yes, sir.
- Q. When was he married? A. I couldn't say positive.
- Q. What was his wife's name? A. Alice.
- Q. Was she a Cherokee Indian? A. Yes, sir.
- Q. Was she a full blood Cherokee? A. No, sir; she was part Shawnee.
- Q. Did your brother ever take a reservation out in Oklahoma among the Shawnees? A. No, sir.

- Q. Did his wife, Alice? A. Yes, sir.
- Q. Is Alice Lewis dead also? A. Yes, sir; she is dead.
- Q. Did she own that reservation when she died? A. Yes, sir.
- Q. Did any of your brother's children, Jennie, John or Mattie, have any reservation among the Shawnees in Oklahoma? A. Yes, sir; two of them had reservations, John and Jennie.
- Q. Do they still own that reservation? A. No, sir.
- Q. When did they give it up? A. The same time that I gave mine up.
- Q. What was the reason that you gave up your reservation for yourself and children and what was the reason that your ~~brother's~~ brother's children gave up theirs? A. One reason that I gave mine up was that I was opposed to allotment.
- Q. Down there? A. Yes, sir. And I didn't belong there either. I wanted to take my allotment in the Cherokee Nation.
- Q. Your brother Charley was living at the time these allotments were given up, was he? A. Yes, sir; he was living at that time.
- Q. Did you and your brother Charley have any talk about giving up these allotments? A. Yes, sir.
- Q. And you both came to the conclusion that you had no right to take reservations down there, that you belonged to the Cherokee Nation? A. Yes, sir.
- Q. Do you know where your brother Charley married his wife Alice? A. In Oklahoma.
- Q. Was she living with the Shawnees at that time? A. Yes, sir.
- Q. Did your brother Charley come back with you to the Cherokee Nation about 10 years ago, when you returned? A. Yes, sir. He came at the same time that I did.
- Q. With his wife and family? A. No, sir; his wife died in Oklahoma before we come out here.
- Q. Now, have your brother's children, Jennie and John, and Mattie been living in the Cherokee Nation ever since their father came back 10 years ago? A. Yes, sir. They are off to school though at present.
- Q. Where? A. Up nether somewhere; Columbus.
- Q. Is that a Shawnee school? A. Shawnee school. And John is living with me at present.
- Q. Who is Alice Chism? A. My sister.
- Q. Your sister is younger than you are, is she? A. Yes, sir.
- Q. Did she live with your parents up to the time she married? A. Yes, sir.
- Q. When was she married? A. I really couldn't say. It has been a good while.
- Q. What is her husband's name? A. Cecil Chism.
- Q. Is he a Cherokee Indian? A. Creek.
- Q. Do you know whether he has been enrolled by the Commission as a citizen of the Creek Nation? A. Yes, sir; I think so.
- Q. How many children has Alice Chism? A. She has got three.
- Q. James, Harry and Daniel? A. Yes, sir.
- Q. Did Alice Chism and her children ever take a reservation among the Shawnees out in Oklahoma? A. Yes, sir.
- Q. Do they still own these reservations? A. Just two of the children have taken reservations.
- Q. Did Alice Chism take a reservation? A. Yes, sir.
- Q. She owns it yet? A. Yes, sir.
- Q. Which two children? A. The two eldest.
- Q. James and Harry? A. Yes, sir.
- Q. They still own these reservations? A. Yes, sir.
- Q. They never gave them up? A. No, sir.
- Q. Daniel, the younger child, never had any reservation out there? A. No, sir.
- Q. How long has Alice Chism been living in the Cherokee Nation? A. She came the same time I did.
- Q. About 10 years ago? A. Yes, sir.

Q. Has she been living in the Cherokee Nation ever since that time?
A. Yes, sir.

Q. Living with her husband, Cecil Chism? A. He is dead.

Q. Did she live with her husband in the Creek Nation at any time?
A. No, sir; her husband lived in Oklahoma.

Q. And you all come back ~~in~~ together about 10 years ago?
A. Yes, sir.

Q. Who is Nancy Chisholm? A. She is my sister.

Q. She has the same father and mother you have? A. Yes, sir.

Q. Did she live with her father and mother up until the time she got married? A. Yes, sir.

Q. Do you know whether Nancy Chisholm took any reservation out among the Shawnees in Oklahoma? A. No, sir. She has taken no reservation.

Q. Never did? A. No, sir.

Q. Neither her nor her children? A. Yes, sir; her children have taken a reservation.

Q. How many of them? A. (no response).

Q. Did Nancy Chisholm come back to the Cherokee Nation when you did? A. Yes, sir.

Q. Has she been living in the Cherokee Nation ever since that time?
A. Yes, sir.

Q. Who is Sallie Chisholm? A. My sister.

Q. Is she your full sister? A. Yes, sir.

Q. Did Sallie live with her parents up until the time she got married? A. Yes, sir.

Q. Was she married out in Oklahoma? A. Yes, sir.

Q. Did she take a reservation out among the Shawnees?
A. Yes, sir.

Q. Does she still own that reservation? A. No, sir; she gave hers up.

Q. Did she give hers up at the same time you gave yours up?
A. Yes, sir.

Q. And for the same reason? A. Yes, sir.

Q. Did she come back with you to the Cherokee Nation about 10 years ago? A. Yes, sir.

Q. Has she been living in the Cherokee Nation ever since that time? A. Yes, sir.

Q. She has just one child, has she? A. Yes, sir; just one. She has two. Lucy is her name. She is older.

Q. Lucy is a child of Sallie Chisholm? A. Yes, sir.

Q. Did Lucy Chisholm ever own any reservation out among the Shawnees? A. Yes, sir.

Q. Does she still own that reservation? A. No, sir.

Q. Did she give it up at the same time her mother did?
A. Yes, sir.

Q. Did John ever own any reservation out there? A. No, sir.

Q. Who is Rosa Chisholm? Is she a daughter of Nancy Chisholm?
A. Yes, sir.

Q. Did Rosa Chisholm ever take an allotment out among the Shawnees in Oklahoma? A. Yes, sir.

Q. Does she still own that allotment? A. No, sir.

Q. Do you talk the Cherokee language? A. Yes, sir; I speak the Cherokee language.

Q. Do you speak the English language? A. Yes, sir; I can understand very little.

Q. Can you talk any other Indian language besides the Cherokee?
A. No, sir.

Q. Now, did I understand you to say Rosa Chisholm doesn't have any allotment or reservation out among the Shawnees in Oklahoma?
A. Yes, sir. She had taken a reservation but she gave it up.

Q. Mr. Lewis, do you know why neither you or any of your relatives appear on the census roll of 1887? A. Yes, sir. The census takers that made the 1886 roll accused me, I believe, that I held a reservation in Oklahoma.

- Q. Was that the only reason they gave? A. Yes, sir; that was all. They told me if I would get a certificate of the agent that I had given back the deed, they would enroll me.
- Q. Have you ever voted in the Cherokee Nation since you came back 10 years ago? A. Yes, sir.
- Q. How many times; in all the elections? A. Yes, sir. At every election, I voted.
- Q. Has your right to vote ever been questioned by any of the Cherokee authorities or by any one? A. No, sir.
- Q. Do you occupy a farm in the Cherokee Nation? A. Yes, sir; I have a farm.
- Q. Have you improvements on it? A. Yes, sir.
- Q. Do you work the farm yourself or do you rent it? A. Yes, sir; I rent it out.
- Q. How long have you owned that farm? A. About 8 or 9 years.
- Q. Have you always regarded the Cherokee Nation as your home? A. Yes, sir.
- Q. Have you ever considered that you had any rights in any other tribe of Indians? A. No, sir.
- Q. Have your rights as a Cherokee citizen ever been disputed except that one time that you mentioned, on the ground that you held an allotment among the Shawnees? A. No, sir; not that I know of, only at that time.
- Q. Does your wife Sallie consider that she is a Cherokee citizen? A. I couldn't hardly say whether she does or not.
- Q. She considers that she has as much right as a Shawnee, doesn't she? A. Yes, sir.

Examination by Mr. Starr.

- Q. How long had you lived in Oklahoma before you came to the Cherokee Nation the last time? A. I couldn't state just exactly how long; probably 4 or 5 years.
- Q. What was your post office in Oklahoma during that time? A. Shawnee.
- Q. Shawnee, Oklahoma? A. Yes, sir.
- Q. Where was the Indian agency when you took your allotment out there? A. Sac and Fox.

GEORGE MILLS, being duly sworn, testified as follows through Official Interpreter, Samuel Foreman.

Examination by the Commission.

- Q. What is your name? A. George Mills.
- Q. How old are you? A. 59.
- Q. What is your post office? A. Catoosa, I. T.
- Q. Are you a Cherokee Indian? A. Yes, sir; full blood.
- Q. Are you a citizen of the Cherokee Nation? A. Yes, sir.
- Q. Do you know James Lewis, who has just left the stand? A. Yes, sir; I have known him ever since he was that high.
- Q. You have known him ever since he was a small boy? A. Yes, sir.
- Q. Did you know his father and mother? A. Yes, sir; I know his parents.
- Q. Were his parents both full blood Cherokee Indians? A. Yes, sir; they were both full bloods.
- Q. How long have you lived in the Cherokee Nation? A. I have lived here all my life.
- Q. Did you know the parents of James Lewis before the war? A. No, sir; I didn't know them, I never got acquainted with them until during the war.
- Q. Were they living in the Cherokee Nation during the war? A. Yes, sir.
- Q. In Canadian district? A. Yes, sir.

- Q. Was James Lewis living with them? A. Yes, sir.
- Q. And was Alice Lewis, now Alice Chism, living with them?
- A. Yes, sir.
- Q. And Sallie Lewis, now Sallie Chisholm? A. Yes, sir.
- Q. And Nancy Lewis, now Nancy Chisholm? A. Yes, sir.
- Q. You know them all? A. Yes, sir.
- Q. When did they leave the Cherokee Nation? A. I think in 1868 they left and went to Oklahoma.
- Q. When did you next see James Lewis and his sisters? A. Somewhere along about 10 years ago, probably before.
- Q. Have you known them for the past 10 years? A. Yes, sir.
- Q. Have they been living in the Cherokee Nation, all of them, during that time? A. Yes, sir.
- Q. Do you know when Lewis Lewis, the father of James Lewis, died?
- A. No, sir; I couldn't state just the exact time.
- Q. Did the mother of James Lewis come back with them to the Cherokee Nation about 10 years ago? A. Yes, sir; she came back with them.
- Q. Now, was Lewis Lewis and Chacernehla Lewis recognized as citizens of the Cherokee Nation? A. Yes, sir?
- Q. You never heard their citizenship disputed by any one, did you?
- A. No, sir.
- Q. Did you ever heard the citizenship of James Lewis or his sisters disputed? A. No, sir; not until I supposed they were rejected on this enrollment.
- Q. Do you know the reason for that? A. No, sir; not without-- all the reason I could give, that they thought they were Shawnees.
- Q. That they are Shawnee Indian? A. Yes, sir.
- Q. Do you know them, Mr. Mills, to be Cherokee Indians?
- A. Yes, sir; they are Cherokee full bloods.
- Q. You haven't any doubt about that, have you? A. No, sir.
- Q. They talk the Cherokee language and don't talk any other Indian language? A. Yes, sir; just the Cherokee language; nothing else.
- Q. Do you know the wife of James Lewis? A. Yes, sir.
- Q. Is she Shawnee or Cherokee? A. Yes, sir; she is part Shawnee and part Cherokee.
- Q. How far does James Lewis live from you? A. About 12 miles.
- Q. Does he own a farm or occupy a farm in the Cherokee Nation?
- A. Yes, sir; he has a farm in the Cherokee Nation.
- Q. Was improvements on it, has he? A. Yes, sir; he has improvements.

RICHARD DUCK, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Richard Duck. Some call me Dick Duck but my right name is Richard Duck.
- Q. How old are you? A. I was 71 years old last year.
- Q. What is your post office? A. At Catoosa.
- Q. Are you a Cherokee Indian? A. I am supposed to be.
- Q. Full blood? A. Yes, sir.
- Q. Are you a citizen of the Cherokee Nation? A. Yes, sir.
- Q. Do you know James Lewis? A. Yes, sir.
- Q. Did you know his father and mother? A. Yes, sir.
- Q. Before the war? A. Yes, sir.
- Q. How long had you known them before the war? A. Well, not very long, because I didn't get acquainted until the time of the war.
- Q. Was it Lewis Lewis and Chacernehla Lewis? A. Yes, sir.
- Q. What nationality were they? Were they Cherokee Indians?

- A. Yes, sir.
- Q. Were they full blood Cherokee Indians? A. Yes, sir.
- Q. Both of them? A. Yes, sir.
- Q. You haven't any doubt about that, have you, Mr. Duck?
A. No, sir.
- Q. Do you know James Lewis when he was a little boy living with his father and mother? A. Yes, sir.
- Q. Did you know his sisters? A. Yes, sir.
- Q. Did you know his brother Charley? A. Yes, sir.
- Q. Did you know Alice Lewis, who is now Alice Chism? A. Yes, sir.
- Q. Did you know Sallie Lewis, who is now Sallie Chisholm?
A. Yes, sir.
- Q. And Nancy Lewis, who is now Nancy Chisholm? A. Yes, sir.
- Q. You know them all? A. Yes, sir.
- Q. These children all lived with their parents in the Cherokee Nation when you got acquainted with them? A. Yes, sir.
- Q. Did they go out of the Cherokee Nation during the war?
A. Yes, sir; we went too.
- Q. You went out of the Cherokee Nation? A. Yes, sir.
- Q. You went where? A. Leroy, Kansas.
- Q. Where did Lewis go? A. They went there too.
- Q. How long did they stay there? A. They stayed there three years; until the war ended.
- Q. Then where did they go? A. They went rambling around in the Shawnee, Chickasaw and Creek Nations.
- Q. In the Indian Territory? A. Yes, sir.
- Q. They never lived in the states that you know of except three years in Kansas? A. No, sir.
- Q. Do you know when Lewis Lewis died? A. No, sir; I don't know when he died.
- Q. Do you know when Checornehla died? A. No, sir; I don't exactly know when she died.
- Q. Do you know when James Lewis and his sisters came back to the Cherokee Nation? A. About 10 or 11 years ago.
- Q. Have they all been living in the Cherokee Nation since that time? A. Yes, sir.
- Q. How far do you live from them? A. I live about 10 or 12 miles from them.
- Q. James Lewis and his married sisters own farms in the Cherokee Nation? A. Yes, sir.
- Q. Have improvements on them? A. Yes, sir.
- Q. James Lewis talks the Cherokee language, does he? A. Yes, sir.
- Q. Doesn't ~~she~~ talk anything else? A. Not that I know of.
- Q. You have never doubted but what James Lewis and his sisters are full blood Cherokees? A. No, sir.
- Q. Do you know James Lewis' wife? A. Yes, sir.
- Q. She is part Shawnee? A. Yes, sir.
- Q. Do you know anything about these reservations they had out in Oklahoma? A. No, sir; only what I heard.
- Q. You don't know anything about it of your own knowledge?
A. No, sir.

SHAWNEE CHISHOLM, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Shawnee Chisholm.
- Q. How old are you? A. About 40.
- Q. What is your post office? A. Turley.
- Q. Are you a citizen of the Cherokee Nation? A. No, sir.
- Q. Are you a Creek Indian? A. Yes, sir.

- Q. Have you been enrolled as a citizen of the Creek Nation?
A. Yes, sir.
- Q. Enrolled by this Commission? A. Yes, sir.
- Q. As a Creek citizen? A. Yes, sir.
- Q. What is your wife's name? A. Nancy.
- Q. She was Nancy Lewis when you married her? A. Yes, sir.
- Q. Is she a full sister of James Lewis? A. Yes, sir.
- Q. Where did you marry her? A. Among the Shawnees.
- Q. In Oklahoma? A. Yes, sir.
- Q. When was that? A. I can't tell. Pretty near 21 years, I reckon.
- Q. More than 21 years, isn't it? A. I haven't counted. I can't remember that.
- Q. Was Nancy Lewis living with her there among the Shawnees when you married her? A. Yes, sir.
- Q. How many children have you? A. I have got six.
- Q. What are their names? Who is the oldest one? A. Rosa.
- Q. Then Webster? A. Yes, sir.
- Q. Lizzie? A. Yes, sir.
- Q. Ollie? A. Yes, sir.
- Q. Davis? A. Yes, sir; that is Tuxie.
- Q. Davis is his English name? A. Yes, Tuxie is his Cherokee name.
- Q. How old is he? A. I never counted.
- Q. Davis is his English name? A. Yes, sir.
- Q. The youngest one is Lillie? A. Yes, sir.
- Q. At the time you married Nancy Lewis out there in Oklahoma did she own a reservation out among the Shawnees? A. Yes, sir.
- Q. Does she still own that? A. No, sir.
- Q. When did she give it up? A. She gave it up sometime ago.
- Q. Did you own a reservation? A. Yes, sir.
- Q. When did you give it up? A. I can't talk good.
- Q. Why did you give it up? A. I was a Creek.
- Q. Didn't think you had any rights there? A. No, sir.
- Q. Your wife gave up hers the same time? A. Yes, sir.
- Q. Did your children have any reservation there? A. Yes, sir.
- Q. Did Rosa? A. Yes, sir.
- Q. Did Webster? A. Yes, sir.
- Q. Lizzie? A. Yes, sir.
- Q. Ollie? A. Yes, sir.
- Q. Davis? A. No. One of them died.
- Q. He has never been enrolled here? A. No, sir; he has been dead a long time.
- Q. Do any of these children own any reservations there now?
A. No, sir.
- Q. You all come back to the Cherokee Nation? A. Yes, sir.
- Q. When did you come back to the Cherokee Nation? A. About 10 years, I reckon.
- Q. Have you been living in the Cherokee Nation since that time?
A. Yes, sir.
- Q. You don't live in the Creek Nation? A. No, sir.
- Q. You have a farm in the Cherokee Nation? A. Yes, sir.
- Q. How big? A. I don't know how big. I got 120.
- Q. Do you rent it out? A. I farm myself. Some of it I rent and I farm myself.
- Q. You have never heard the citizenship of your wife Nancy disputed, have you? A. She is a Cherokee.
- Q. She is a full blood Cherokee? A. Yes, sir; full blood.
- Q. Talks the Cherokee language? A. Yes, sir.
- Q. Does she talk English? A. No, sir.
- Q. Do you talk Cherokee? A. A little, not much.
- Q. Do you know James Lewis? A. Yes, sir.
- Q. Did you come back the same time he did? A. Yes, sir.

- Q. He owned a reservation out there? A. Yes, sir.
 Q. He gave it up? A. Yes, sir.
 Q. Do you know his wife Sallie? A. Yes, sir.
 Q. She had a reservation? A. Yes, sir.
 Q. She never gave hers up? A. No, sir; she is going to keep it, I reckon.
 Q. She is the only one of the Lewis family that is going to keep it? A. Yes, sir.
 Q. The only one? A. The only one.

WILLIAM CHISHOLM, being duly sworn, testified as follows:
 Examination by the Commission.

- Q. What is your name? A. William Chisholm.
 Q. How old are you? A. I guess I am about 31.
 Q. What is your post office? A. Turley.
 Q. Are you a Cherokee or Creek? A. Creek; part Mexican.
 Q. Are you a citizen of the Creek Nation? A. Yes, sir.
 Q. Have you been enrolled by this Commission as a citizen of the Creek Nation? A. Yes, sir.
 Q. Taken an allotment in the Creek Nation? A. Yes, sir.
 Q. Where are you living? A. I am living in the Cherokee Nation with my wife.
 Q. What is your wife's name? A. Sallie.
 Q. Is Sallie Chisholm a full sister of James Lewis, who just left the stand? A. Yes, sir.
 Q. Where did you marry Sallie Lewis? A. In Oklahoma.
 Q. At the time you married her did Sallie Lewis have a reservation over there among the Shawnees in Oklahoma? A. Yes, sir.
 Q. How many acres, do you know? A. 160, I think.
 Q. Did you have a reservation over there? A. Yes, sir.
 Q. Did you relinquish it? A. Yes, sir.
 Q. Did your wife relinquish hers? A. Yes, sir, about the same time.
 Q. How long did you own that? A. I guess not a year.
 Q. How did it come that an allotment was made to you?
 A. I don't know. You see the old people was scattered at the time of the war.
 Q. And all the Indians who were living over there got allotments?
 A. Some of them did, I think.
 Q. When were the allotments made over there? A. I was off to school. My brother took that for me. If I was there I wouldn't.
 Q. Did you give it up? A. Yes, sir; I gave it up.
 Q. To whom? A. The agent.
 Q. What agent? A. Bag and Fox.
 Q. What was his name? A. I think it was Lee Patch.
 Q. Have you any children? A. Yes, sir.
 Q. What's are their names? A. John Chisholm.
 Q. Who is Lucy Chisholm? A. That is my brother's girl.
 Q. Who is the mother of Lucy Chisholm? A. Sallie.
 Q. Your wife? A. Yes, sir.
 Q. She is your wife's daughter? A. Yes, sir.
 Q. By a former husband? A. You see my brother had them first.
 Q. Your brother was married to her? A. Yes, sir.
 Q. Is he dead? A. No, sir.
 Q. Where is he? A. Muskogee.
 Q. Is that in Oklahoma? A. I don't think.
 Q. Lucy Chisholm is a daughter of your wife Sallie by a former husband, she is your brother? A. Yes, sir.
 Q. They separated? A. Yes, sir.

Q. They were divorced? A. I don't know whether they was.

Q. She is your wife now, anyway? A. Yes, sir.

Q. Lucy Chisholm is staying with your brother? A. No, sir; she is staying with me.

Q. Did Lucy Chisholm come back 10 years ago? A. No, we lived in the Creek Nation.

Q. Weren't you over in Oklahoma? A. Yes, sir.

Q. You married Sallie ever there? A. Yes, sir; married over there and come back to the Creek Nation.

Q. Lucy came back with you? A. Yes, sir.

Q. She has been living with your wife in the Territory ever since? A. Yes, sir.

Q. With you and your wife? A. Yes, sir.

Q. Did Lucy have a reservation over there? A. Yes, sir; she relinquished it.

Q. She don't own it now? A. No, sir.

Q. Neither you nor your wife or children have any right over there among the Shawnees? A. No, sir.

Q. Do you occupy a farm in the Cherokee Nation? A. Yes, sir.

Q. Improvements on it? A. Yes, sir.

Q. How long have you owned it? A. I think about--growing on about three years.

Q. Have you ever heard the citizenship of your wife Sallie disputed? A. That is the first time I heard about it.

Q. What time? A. Oh, I guess about the time when we was enrolled.

Q. Did you hear the reason why it was? A. Yes, about the allotment, you know.

Q. About the allotment out among the Shawnees? A. Yes, sir.

Q. How old is your son John? A. John, he is growing on six.

Q. Has he been enrolled as a citizen of the Creek Nation with you? A. No, sir; I can't get him in.

Q. You made application for him? A. Yes, sir; they won't let him take it.

Q. Why not? A. Because his mother is a Cherokee. He follows his mother.

Q. Didn't you make application for him? A. Yes, sir; I did.

Q. They rejected him? A. Yes, sir.

Q. So you want him enrolled as a citizen of the Cherokee Nation? A. Yes, sir.

SHAWNEE CHISHOLM, being recalled, testified as follows:

Examination by the Commission.

Q. You say you made application to be enrolled as a citizen of the Creek Nation? A. Yes, sir.

Q. You have been so enrolled? A. Yes, sir.

Q. Did you make application for your children to be enrolled? A. Yes, sir.

Q. Were they enrolled? A. They told me they would have to follow their mother.

Q. Was your application to have them enrolled rejected? A. Yes, sir; they told me that had to follow their mother.

Q. None of them are enrolled as Creeks? A. No, sir.

Q. You want them all enrolled as citizens of the Cherokee Nation? A. Yes, sir.

Q. If they should appear to be entitled to be enrolled as citizens of the Cherokee Nation do you relinquish all right which they may have in the Creek Nation? A. I can't understand that.

Q. Which nation do you want the children enrolled in? A. The Cherokee Nation.

Q. You don't want them enrolled in the Creek Nation? A. I been trying that and can't. They can't take the Creek Nation. They

follow their mother, you know.

Q. You make your selection in the Cherokee Nation? A. Yes, sir.

Q. And not in the Creek Nation? A. No, sir.

Q. Do you relinquish all right which they may have in the Creek Nation? A. Yes, sir.

BY MR. STARR:

Q. If your children were entitled to be enrolled in both nations which nation do you want them enrolled in? A. You mean Creek or Cherokee?

Q. Yes, is you had your choice? A. If they follow their mother I have to go in the Cherokee Nation. Their mother is there.

Q. Well, if you had your choice? If they were entitled to go in both, which nation? A. Cherokee Nation.

BY THE COMMISSION:

Q. Do you understand this. If it should appear that your children had a right in either nation, which nation do you want them enrolled in? A. Cherokee Nation.

WILLIAM CRISHOLM, being recalled, testified as follows:

Examination by the Commission.

Q. If it should appear that your children were entitled to be enrolled in either the Cherokee or Creek Nation, which Nation would you select? A. The Cherokee Nation.

Q. Do you relinquish all right which they may have in the Creek Nation? A. No, they ain't got no allotment there.

Q. Do you relinquish all right which they may have? A. Yes, sir.

The principal applicant, James Lewis, reappears and presents an affidavit under date of November 24th, 1896, executed by Edward L. Thomas, United States Indian agent, Sac and Fox agency, Oklahoma, to which is attached a copy of a letter under date of February 11st, 1896, from D. H. Browning, Commissioner of Indian Affairs. The affidavit and letter attached are made a part of this record.

James Lewis, being recalled, testified as follows through Official Interpreter, Sarah Foreman.

Examination by the Commission.

Q. Now, Mr. Lewis, it seems that you owned the southeast quarter of the northeast quarter, section five, township nine, in Oklahoma, and that you relinquished your right to that allotment and your relinquishment was approved by the Secretary of the Interior. Now, Mr. Lewis, the Mrs. Charles Lewis mentioned in this letter, who is she? A. It is the widow of my daughter. He is dead.

Q. Who is the Fannie Lewis mentioned in this letter? A. I suppose it is my daughter Fannie.

Q. And who is Jephth Lewis? A. My son.

Q. Who is Martin Lewis? A. Martin Lewis is my son also.

Q. Is Jephth Lewis and Martin Lewis living now? A. Yes, sir.

Q. Do they go by those names now? A. No, sir.

Q. What is Jephth's name now? A. Jefferson.

Q. Jefferson is the Jephth mentioned in this letter from the Commissioner of Indian Affairs? A. Yes, sir.

- Q. Who is Martin Lewis, is that your youngest son? A. That is the son that goes by the name of Runabout.
- Q. Who is Nellie Lewis? A. My mother.
- Q. Now, are these three children, Nannie, Jephtha, whom you call Jefferson, and Martin, whom you call Runabout--are those the only three children who had allotments out there?
- Q. There were four got allotments; Jefferson, Nancy, Runabout and a younger one that didn't have any name at the time.
- Q. Is that David? A. Yes, sir.
- Q. Are you relinquished David's allotment at the same time you did the others, did you? A. Yes, sir.
- Q. There was no patent issued to David, was there? A. No, sir.
- Q. Have you a son by the name of Jim Lewis? A. No, sir.
- Q. Did you have a child by the name of Wesley Lewis, or Edward? A. No, sir.
- Q. Flora? A. No, sir.
- Q. Omer? A. No, sir.
- Q. Charles? A. No, sir.
- Q. Ira B.? A. No, sir.
- Q. Lester? A. No, sir.
- Q. Susan? A. No, sir.
- Q. Do you know whose these children are that I have named here? A. No, sir; I don't.
- Q. Is your daughter Nannie married? A. No, sir. She isn't married but she has a child.
- Q. Her name is still Nannie Lewis? A. Yes, sir.
- Q. Have you and your wife and your four older children been living in the Cherokee Nation for the past 10 years? A. Yes, sir.
- Q. And have the three children that have been born since the Cherokee Nation since you came back lived in the Cherokee Nation all their lives? A. Yes, sir.
- Q. Has Jennie Lewis, John Lewis and Hattie Lewis, the children of your brother Charley, lived in the Cherokee Nation for the past 10 years? A. Yes, sir.
- Q. Who are they living with? A. There are two of them off to school and there is one of them living there with me.
- Q. Do all of them make their home there with you? A. Yes, sir.
- Q. You say Alice Chism is your sister? A. Yes, sir.
- Q. What is her Cherokee name? A. Chasca.
- Q. Has Alice and her two older children been living in the Cherokee Nation for the past 10 years? A. Yes, sir.
- Q. When did Cecil Chism, the husband of Alice Chism, die? A. It has been a good while; probably 9 or 10 years.
- Q. Did he come back from Oklahoma to the Cherokee Nation at the same time you did? A. Yes, sir.

SHAWNEE CHISHOLM, being recalled, testified as follows:
Examination by the Commission.

- Q. Mr. Chisholm, when did you return your patents for the lands that you got out among the Shawnees in Oklahoma? A. (no response.)
- Q. You say you gave back the deeds? A. Yes, sir.
- Q. Who did you give them to? A. The agent.
- Q. Was he name Thomas? A. I reckon Thomas.
- Q. Did you ever write to him again? A. No.
- Q. You don't claim these lands at all, do you? A. No.
- Q. Have you been living in the Territory ever since you came back from Oklahoma? Yes, sir; I live in the Cherokee Nation.
- Q. For the last 10 years? A. Yes, sir.
- Q. Your wife has been living with you all that time? A. Yes, sir.

- Q. And all your children? A. My wife and my children.
 Q. Rosa Chisholm is your daughter? A. Yes, sir.
 Q. Has she been living in the Cherokee Nation for the past 10 years? A. Yes, sir.
 Q. Has your brother William been living in the Cherokee Nation for the past 10 years? A. Yes, sir.
 Q. With his wife and his children? A. Yes, sir.
 Q. His child John? A. Yes, sir.
 Q. And his daughter Lucy? A. Yes, sir.
 Q. All living together? A. Yes, sir.

BY MR. STARR:

- Q. Who got your allotments in Oklahoma? A. I don't know; white people, I reckon.
 Q. You don't know who got the deeds? A. No, sir; I don't know where the deeds went. I just let them go.

BY THE COMMISSION:

- Q. Did you ever put a crop in there? A. No, sir.

BY MR. STARR:

- Q. How long did you live there? A. About, pretty near 4 or 5.
 Q. In Oklahoma? A. Yes, sir. I lived there, we didn't farm.
 Q. You had been living on the place you were allotted? A. No, we never lived on it. I lived on his mother's place. I just stayed there a while.
 Q. Who is Thurman Chisholm? A. My boy. He is dead.
 Q. Who is Samuel? ~~Chisholm~~ A. That is the same one.
 Q. Who is Jennie? A. That is my sister.
 Q. Who is So-ke-len? A. That is my boy.
 Q. Is he living? A. Yes, sir.
 Q. Who is Ollie Chisholm? A. My daughter.
 Q. Who is Lizzie Chisholm? A. My daughter.
 Q. Who is Sallie Chisholm? A. It is Will's wife.
 Q. Who is Mary Chisholm? A. It is my sister.
 Q. Who is Nester? A. I don't know who that is.
 Q. Who is Nester's mother? A. I can't tell that.
 Q. Who is Na-ca-la-pea-se Chisholm? A. I don't know.
 Q. Mr. Chisholm, who got your allotment after you left Oklahoma?
 A. I don't know.
 Q. Didn't old man Scott have something to do with it?
 A. I don't know. I don't know who got it.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of January, 1903.

Jesse O. Carr
Samuel Foreman
 Notary Public.

(1)

Nov 24th 1896.

I Edward L. Thomas U. S. Indian Agent. Sac & Fox Agency Okla Swear that on Jan'y 16th 1896 I submitted to the Department of the Interior the patents issued to the parties named in the copy of letters hereto attached, with the relinquishment of each one of the parties written on his or her patent.

I further swear that on or about Feb'y 14th 1896, I received from Hon. D. M. Browning Commissioner of Indian Affairs, the original letter of which the copy hereto attached is a true & correct copy.

Edward L. Thomas,
U. S. INDIAN AGENT.

Sworn to & subscribed before me this the 24th day of Nov 1896.

By Commission Expires January 18, 1900.

J. Patrick
NOTARY PUBLIC.

10. 1166

Class of ...
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9

James Lewis Esq.

Enclosed are enclosed a few letters & copies
of letters may be able you repair children
The other parties named in said copies of letters
to be properly enrolled with the Cherokee Na-
tion, as I am confident you all are justly
entitled to such enrollment.

Respectly

Per
Wharton

Edward L. Thomas

U. S. Indian Agent

10. 11. 56

JAN 9 1856

COMMERCIAL

James Lewis Esq.

Sir, I trust the enclosed affidavit & copy of letter may enable you & your children & the other parties named in said copy of letter to be properly enrolled with the Cherokee Nation, as I am confident you all are justly entitled to such enrollment.

Respectfully
Edward J. Thomas

U. S. INDIAN AGENT

per
Wharton

I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the enrollment of your children & the other parties named in said copy of letter. I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the enrollment of your children & the other parties named in said copy of letter. I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the enrollment of your children & the other parties named in said copy of letter.

per
Wharton
James Lewis

Up as well as the other side of the street from the shop home
 25 Nov 1846

James Lane
 all at once

Why have you
 written me this kind of letter, I have
 never taken any allotment, as I am a
 scholar. I have received no kind of
 no allotment whatever. If you can
 find where I did anything like that
 send me a copy and deed to me

For the
 Robert Thomas

Copy
 I have not the original of this
 of letters may make you again
 with other parties named in our copy
 to be properly enrolled with the
 you, as I am confident you are
 entitled to such enrollment.

25/11/46

STEN 6

COMMITTEE

Copy.

United States Indian Service,

Land
5463-1896

Agency,

Washington

Feb'y 11", 1896

E. L. Thomas Esq-

U. S. Indian Agent

Sac & Fox Agency Okla.

Sir:

I have to advise you that under date of Feb'y 5" 1896, the Secretary of the Interior cancelled the patents issued to Mrs. Charles Lewis, No 45; He-la-la-mah No. 47, Jim Lewis No 231, Nannie Lewis No 233, Jephtha Lewis No 234, Martin Lewis No 235, James Lewis No 236, and Nellie Lewis No 314, which patents were transmitted to this office with your letter of Jan'y 16" 1896, the patents being minerals of the Cherokee Nation, and the attestments having been made to them as Absentee Shawnees.

Very Resply

D. M. Browning
Commissioner.

(Allin)

P.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 20th, 1903.

In the matter of the application for the enrollment of James Lewis, et al., consolidating the applications of:--

James Lewis, et al. - - - -	Cherokee D-1166.
Jennie Lewis, et al. - - - -	Cherokee D-1167.
Alice Chism, et al. - - - -	Cherokee D-1168.
Nancy Chishelm, et al. - - - -	Cherokee D-1200.
Sallie Chishelm, et al. - - - -	Cherokee D-1341.
Lucy Chishelm. - - - -	Cherokee D-1342.
Rosa Chishelm. - - - -	Cherokee D-1343.

SUPPLEMENTAL STATEMENT.


From an examination of the Cherokee Census Roll of 1890, for Cooweescoowee District, the following applicants appear on that Roll, to-wit:--

James Lewis.
Page 139, #3095, Native Cherokee.
Sallie Lewis.
Page 139, #3096, Native Cherokee.
Nannie Lewis.
Page 139, #3097, Native Cherokee.
Jefferson Lewis.
Page 139, #3098, Native Cherokee.
Runabout Lewis.
Page 139, #3099, as Robert Lewis, Native Cherokee.
David Lewis.
Page 139, #3100, Native Cherokee.
Chee-er-niahta Lewis.
Page 139, #3101, Native Cherokee.
Alice Lewis.
Page 139, #3102, Native Cherokee.
Jennie Lewis.
Page 139, #3103, Native Cherokee.
John Lewis.
Page 139, #3104, Native Cherokee.
Nancy Chishelm.
Page 36, #433, Native Cherokee.

Included in the family of said Nancy Chishelm are five children, identified as follows:

Alice Chishelm.
Page 36, #434, Native Cherokee.
Ezekiel Chishelm.
Page 36, #435, Native Cherokee.
Arlio Chishelm.
Page 36, #436, Native Cherokee.
Takey Chishelm.
Page 36, #437, Native Cherokee.
Tuxie Chishelm.
Page 36, #438, Native Cherokee.

It is ordered that copies of this statement be filed with and made a part of the record in the above consolidated case.



Territory of Oklahoma,
County of Pottawatomie, ss.

Personally appeared before me, a Notary Public in and for said County and Territory, Thos. W. Alford, of lawful age, to me well known as the Chairman of the Absentee Shawnee Business Committee, who after being duly sworn, states that he is personally acquainted with Chas. Lewis and his wife Nah-tah-wa-pea-se or Mrs. Charles Lewis and knows that they were married according to Indian custom in this country near old Shawneetown about the year 1886; that they were regarded as man and wife until the death of Nah-tah-wa-pea-se in May, 1892. Chas. Lewis took no allotment among the Shawnee people; his wife and two oldest children did, but the same have been relinquished back to the Government and Trust patents cancelled. Chas. Lewis and his brothers and sisters were regarded here as full blood Cherokee Indians. Chas. Lewis' wife was part Cherokee. When living here they made frequent trips to the Cherokee Nation where their youngest child, Che-wa-nee or Hattie, was born. Nah-tah-wa-pea-se or Mrs. Chas. Lewis was allotted in 1888 — at the age of 21 years. The oldest child, Jennie, at 2 years of age, and John at the age of 7 months.

Thomas W. Alford
Chairman Absentee Shawnee
Business Committee.

Subscribed and sworn to before me this the 14, day of Nov. 1902.

Seal.
My Commission expires June 10, 1903.

Geo. L. Ross
Notary Public.

This was evidence contrary to rules of Commission, they required the facts established — but permitted that the brothers and sisters to testify, which was done as per above statement by Thomas W. Alford & satisfactory to the Commission —

Respy

S. J. Scott.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February 19, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of this Commission.



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

In the matter of the application of James Lewis et al for enrollment as citizens of the Cherokee Nation, consolidating the applications of:

James Lewis et al	Cherokee D 1188
Jennie Lewis et al	" D 1187
Alice Quinn et al	" D 1168
Nancy Chisholm et al	" D 1280
Sallie Chisholm et al	" D 1281
Lucy Chisholm	" D 1348
Rosa Chisholm	" D 1349

DECISION.

The record herein shows that applications were made to this Commission, for enrollment as citizens of the Cherokee Nation, by James Lewis for himself, his wife, Sallie, and their minor children, Harrie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis, as citizens by blood; by said James Lewis for three orphan children, Jennie, John and Mattie Lewis, as citizens by blood; by Alice Quinn for herself and her three minor children, James, Harry and Daniel Quinn, as citizens by blood; by Nancy Chisholm for herself and her minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm, as citizens by blood; by Sallie Chisholm for herself and her minor son, John Chisholm, as citizens by blood; by Lucy Chisholm for herself as a citizen by blood, and by Rosa Chisholm for herself as a citizen by blood of the Cherokee Nation.

The evidence shows that James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Harrie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is a child of Harrie Lewis by a white man. Jennie and Mattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Quinn is a full sister to James Lewis, the principal applicant. She has three children, James, Harry and Daniel, who were born by one Cecil Quinn, deceased, who was a white man. Nancy Chisholm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm are her

children by one Thomas Chishola, a Creek Indian. Sallie Chishola is a full sister to James Lewis, and John Chishola is her child by one Willie Chishola, a Creek Indian. Lucy Chishola is a daughter of Sallie Chishola; Rosa Chishola is a daughter of Harry Chishola.

James, Sallie, Hattie, J. C. Carson, Dumont, David, Jennie and John Lewis, Alice Chishola, Harry, Webster, Ollie and David Chishola are identified on the Cherokee census roll of 1860 and the Cherokee strip payment roll of 1864; Siri and Hattie Lewis, James, Harry and Daniel Chishola, Maggie, Lillie, Sallie, Lucy and Rosa Chishola are identified on the Cherokee strip payment roll of 1864; Thompson, Joseph and Frank H. Lewis and John Chishola are identified by birth affidavits made a part of the records herein. It does not appear from the evidence that any of the applicants herein who were then alive are identified on the Cherokee census roll of 1860.

The evidence further shows that James Lewis "for himself", his wife Sallie, and their minor children, Hattie, J. C. Carson, Dumont and David Lewis; Jennie and John Lewis, children of one Charles Lewis, deceased; Alice Chishola "for herself" and her minor children, James and Harry Chishola; Thomas Chishola for his minor children, Webster, Maggie, Ollie and David Chishola; Sallie Chishola "for herself"; Lucy Chishola "for herself" and Rosa Chishola "for herself", acquired, as allottees share and allotments of land in the Pottawatomie country. It appears that all the applicant allottees, excepting Alice, James and Harry Chishola, relinquished, and their said allotments were cancelled, by the Secretary of the Interior, in 1866.

The evidence further shows that the principal applicants in the present cases herein, excepting Lucy and Rosa Chishola, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the war of the rebellion. The said Lucy and Rosa Chishola are the only daughters of two of the principal applicants, James Lewis and John Chishola, said principal applicants absent from the Cherokee Nation. It further appears that all the applicants herein returned to the Cherokee Nation for the first time in 1863, excepting Thompson, Joseph and Frank H. Lewis and John Chishola, who were born subsequent to the removal of their parents to said Nation in 1818. It further appears that all the applicants herein have been continuous residents in said Nation since that time, excepting those born out of it, they having resided in said Nation continuously since birth.

The evidence further shows that Sallie Lewis, the wife of James Lewis, was admitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof, on November 22, 1866, her children then born being minors.

Section twenty-one of the Act of Congress approved June 24, 1818 (30 Stats., 417), provides for the enrollment of all persons now living whose names are found upon the 1860 authenticated roll and their descendants born since the date of said roll,

"and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; . . ."

The termination in the matter of their several applications was accomplished through an interpreter speaking the Cherokee and English language. It is presumed that the rights of Cherokee citizenship were not forfeited or abjured during their absence from the Cherokee Nation and Indian Territory.

It is, therefore, the opinion of this Commission that James Lewis, Nellie Lewis, Nannie Lewis, Jefferson Lewis, Elizabeth Lewis, David Lewis, Mild Lewis, Chapman Lewis, Susan Lewis, Frank E. Lewis, Jennie Lewis, John Lewis, Rattie Lewis, Alice Chism, James Chism, Harry Chism, Daniel Chism, Nancy Chism, Webster Chism, Lizzie Chism, Ollie Chism, David Chism, Lillie Chism, Lucy Chism, Rosa Chism, Salie Chism and John Chism should be enrolled as citizens by blood of the United States, in accordance with the provisions of section twenty-one of the Act of Congress approved June 20, 1898 (30 Stat., 451), and it is so ordered.

COMMISSIONERS TO THE FREE CIVILIZED STATES

[Handwritten signature]

 Chairman

[Handwritten signature]

 Commissioner

[Handwritten signature]

 Commissioner

[Handwritten signature]

 Commissioner

Dated at Washington, D. C.,
 this APR 10 1903

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes

Vinita, I. T. April 18th 1903.

In the matter of the application of James Lewis et al for enrollment as citizens of the Cherokee Nation consolidating the applications of:

James Lewis et al-----	Cherokee D1166
Jennie Lewis et al-----	" D1167
Alice Chism et al-----	" D1168
Nancy Chisholm et al-----	" D1200
Sallie Chisholm et al-----	" D1221
Lucy Chisholm-----	" D1342
Rosa Chisholm-----	" D1349

Protest of the Cherokee Nation.

The Cherokee Nation most earnestly protests against the decision of the Commission in the above cases rendered on April 18th 1903 and asks that the same be forwarded to the Honorable Secretary of the Interior for Review.

There can be no doubt but that a great injustice is done the Cherokee Nation in this decision; it can not be the law and neither is it equity. These people the testimony shows and the Commission's decision admits "Returned to the Cherokee Nation for the first time in 1893" and none of them had resided in the Cherokee Nation since the beginning of the war of the rebellion, a period of thirty years. Think of it! Left the Country when the war came up; took with them, their effects and left nothing behind; became citizens of the Absentee Shawnee reservation in Oklahoma where they drew money and selected lands which the testimony shows were cancelled at the suggestion of their present representative S.J. Scott so that his son in law could get the land and Scott could get the benefit of it. These allotments were not cancelled by the Secretary of the Interior because they were not citizens of the Shawnee reservation but because Scott persuaded them to relinquish them.

In the face of these facts the decision of the Commission says: "It is presumed that the rights of Cherokee Citizenship were not forfeited or abjured during their absence from the Cherokee Nation or Indian Territory"

The Supreme Court held very differently in the Eastern Cherokee Case 117 U. S. 288- 312 wherein the court said:

"If Indians in that State or any other wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation and be readmitted to citizenship as therein provided- They can not live out of its territory, evade the obligations and burdens of citizenship and at the same time enjoy the

benefits of the funds and the common property of the Cherokee Nation"

yet these people for thirty years from 1863 to 1893 lived out of the Cherokee Nation, evaded the burdens of citizenship but at the same time are now about to enjoy (And will unless reversed by the Secretary of the Interior) the benefits of the funds and common property of the Cherokee Nation without having been readmitted. But it is urged that gailie Lewis wife of James Lewis was readmitted on November 28th 1868. Read the act readmitting her. She was required to remove to and permanently locate in the Cherokee nation within one year as a condition to her readmission She came in 1893 or five years thereafter. Why did not the Commission call attention to this condition. The very fact that she was readmitted proves that it was necessary for all of them to be readmitted but none were but the wife of James Lewis and she never complied with the act readmitting her) Their degree of blood makes no difference. It matters not whether it be a full blood or a one sixty-fourth; the law is the same. Absent thirty years not readmitted upon return; leaving no effects behind and in no way connected with the Cherokee tribe, citizens of the Shawnee reservation in Oklahoma and taking allotments there and still not forfeiting their rights in the Cherokee Nation is new law. We pity the Cherokee Nation if this erroneous decision is upheld. True the names of these people are upon the 1894 pay roll but the Department is aware that Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation.

Suppose all Cherokees had left their country as did those and remain away thirty years what would have become of ~~the lands~~ their lands under that clause of the patent which provided: "That the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct, or abandons the same." Because of this condition in the patent the Cherokee Constitution Article I Section 2 provided that wherever any citizen left the Cherokee Nation, with his effects and became a citizen of another ~~country~~ all of his rights as a citizen of the Cherokee Nation should cease. These people did this- they were not readmitted. Their names are on the 1894 roll "without authority of law" and should not be enrolled as citizens of the Cherokee Nation. Under the Act of June 10th 1896 the Commission had authority to admit persons to citizenship that came within this class but no such authority was intended by the existing law. That these people are full bloods cuts no figure- The Law is the same. It applies to all alike. If these people are admitted every claimant will refer to it as justifying the Commission in going behind the rolls and readmitting persons as under the act of June 10th 1896.

This decision is erroneous and should be reversed.

Respectfully

W. W. Hastings
 Attorney for the Cherokee Nation.

29727	Inc	Office	1902
	Inc	Z	

John John o Hatten
Lewis

Cherokee D-1167

Territory of Oklahoma, #
#58.
County of Pottawatomie, #

Personally appeared before me, a Notary Public in and for said County and Territory, Thos. W. Alford, of lawful age, to me well known as the Chairman of the Absentee Shawnee Business Committee, who after being duly sworn, states that he was personally acquainted with Chas. Lewis and his wife Nah-tah-wa-pea-se or Mrs. Charles Lewis and knows that they were married according to Indian custom in this country near old Shawneetown about the year 1886; that they were regarded as man and wife until the death of Nah-tah-wa-pea-se in May, 1892.

Chas. Lewis took no allotment among the Shawnee people; his wife and two oldest children did, but the same have been relinquished back to the Government and Trust patents cancelled. Chas. Lewis and his brothers and sisters were regarded here as full blood Cherokee Indians. Chas. Lewis' wife was part Cherokee. When living here they made frequent trips to the Cherokee Nation where their youngest child, Che-wa-nee or Hattie, was born. Nah-tah-wa-pea-se or Mrs. Chas. Lewis was allotted in 1889--at the age of 21 years. The oldest child, Jennie, at 2 years of age, and John at the age of 7 months.

Thomas W. Alford
Chairman Absentee Shawnee
Business Committee.

Subscribed and sworn to before me this 10th day of July, 1903.

Geo. I. Rose
Notary Public

This

This was Evidence Contrary to rules of Commission, they required the facts established - but permitted that the Mother & sisters to testify, which was done as per above Statement, by Thomas W. Alford & satisfactory to the Commission - Resptly S J Scott

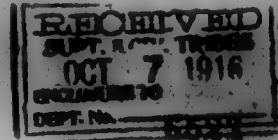
Tahlequah, Indian Territory, January 6, 1904.

Received of the Commission to the Five Civilized Tribes, a
copy of the argument of the attorney for the applicants in Cherokee
D 1166, James Lewis et al.

W. W. Hastings
Atty. for Cherokee Nation.

10379

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



WASHINGTON, OCT -4 '16, 191

I, E. B. Meritt, Assistant, Commissioner
of Indian Affairs, do hereby certify that the papers hereto attached
are true copies of the originals as the same
appear on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed, on the day and year first
above written.



E. B. Meritt
Assistant Commissioner

D 1166

IN RE

Application for Enrollment of

INFANT CHILD

Thompson Lewis
as a citizen of

Cherokee Nation.

Approved: *April 29,* 1901
[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 29 1901

NO. 1000000000

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Thompson Lewis, born on the 27th day of January, 1896.
Name of Father: James Lewis, a citizen of the Cherokee Nation.
Name of Mother: Sallie Lewis, a citizen of the Cherokee Nation.
Post-office, Jarvis, Ia.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

North District.

I, Sallie Lewis, on oath state that I am 40
years of age and a citizen, by blood of the Cherokee Nation;
that I am the lawful wife of James Lewis, who is a citizen, by
blood of the Cherokee Nation, that a Male child was
born to me on the 27th day of January, 1896; that said child has been
named Thompson Lewis, and is now living.

WITNESSES TO SIGN

(Must be Two)

J. S. Nelson
W. B. ...

Subscribed and sworn to before me this 17th day of April, 1901.

A. M. ...

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY
North District.

I, Alice Choan, Midwife, on oath state that I
attended on Mrs. Sallie Lewis, wife of James Lewis,
on the 27th day of January, 1896; that there was born to her on
said date a Male child; that said child is now living and is said to have been
named Thompson Lewis.

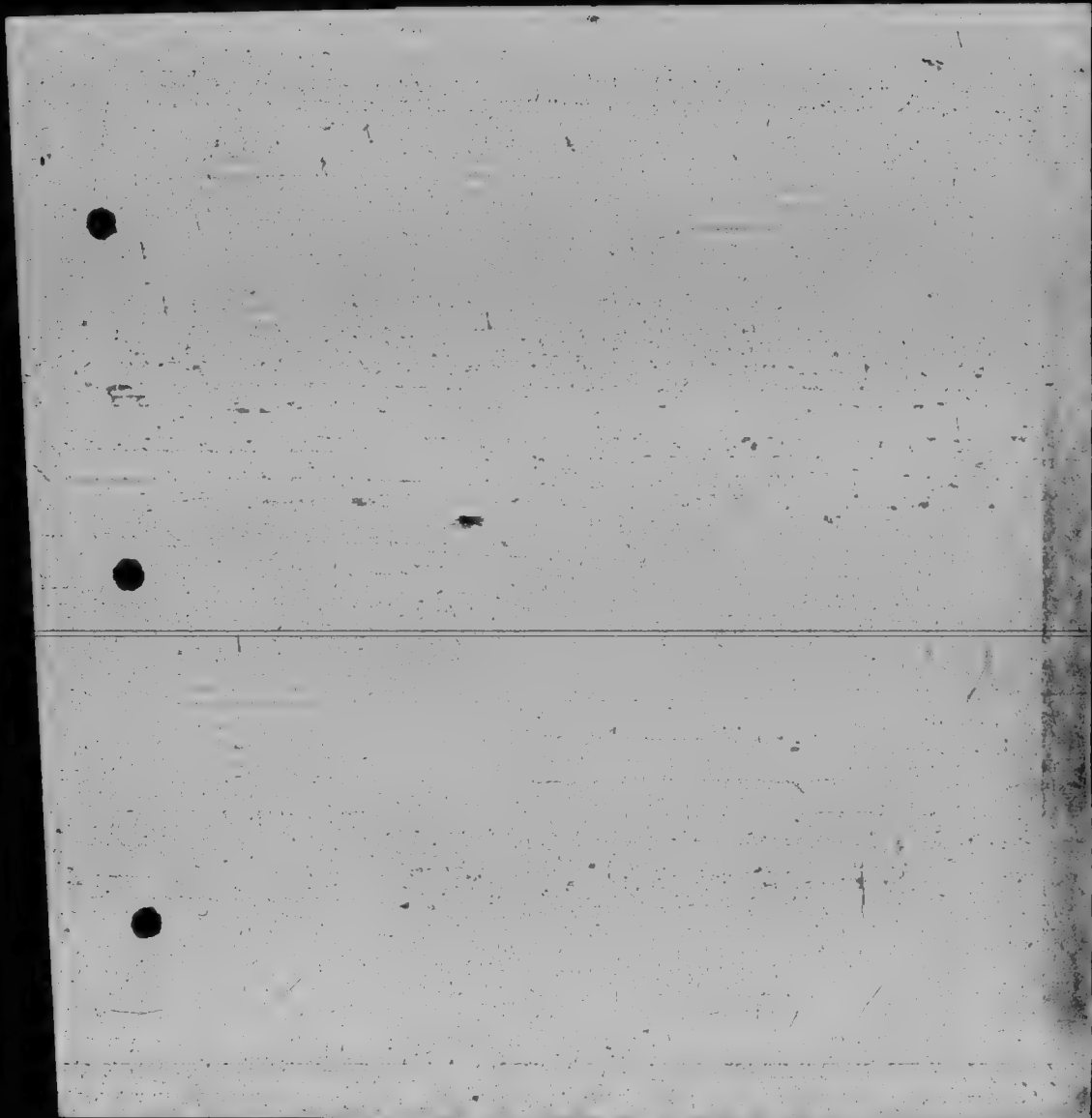
WITNESSES TO SIGN

(Must be Two)

J. S. Nelson
W. B. ...

Subscribed and sworn to before me this 17th day of April, 1901.

Alice Choan
A. M. ...



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

Application for Enrollment, as a citizen of the Cherokee Nation,
of Jacob Lewis, born on the 30th day of June, 1898.
(Here insert name of child)
Name of Father: James Lewis, a citizen of the Cherokee Nation.
Name of Mother: Sallie Lewis, a citizen of the Cherokee Nation.
Post-office, Turkey, D.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

North District, Indian Territory.

I, Sallie Lewis, on oath state that I am 40
years of age and a citizen, by blood of the Cherokee Nation;
that I am the lawful wife of James Lewis, who is a citizen, by
blood of the Cherokee Nation, that a male child was
born to me on the 30th day of June, 1898; that said child has been
named Jacob, and is now living.

WITNESSES TO SIGN

(Must be Two)
Witnesses: J. S. Wilson
J. W. Bogue

Subscribed and sworn to before me this 17th day of April, 1901.

A. M. Quincy
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

North District, Indian Territory.

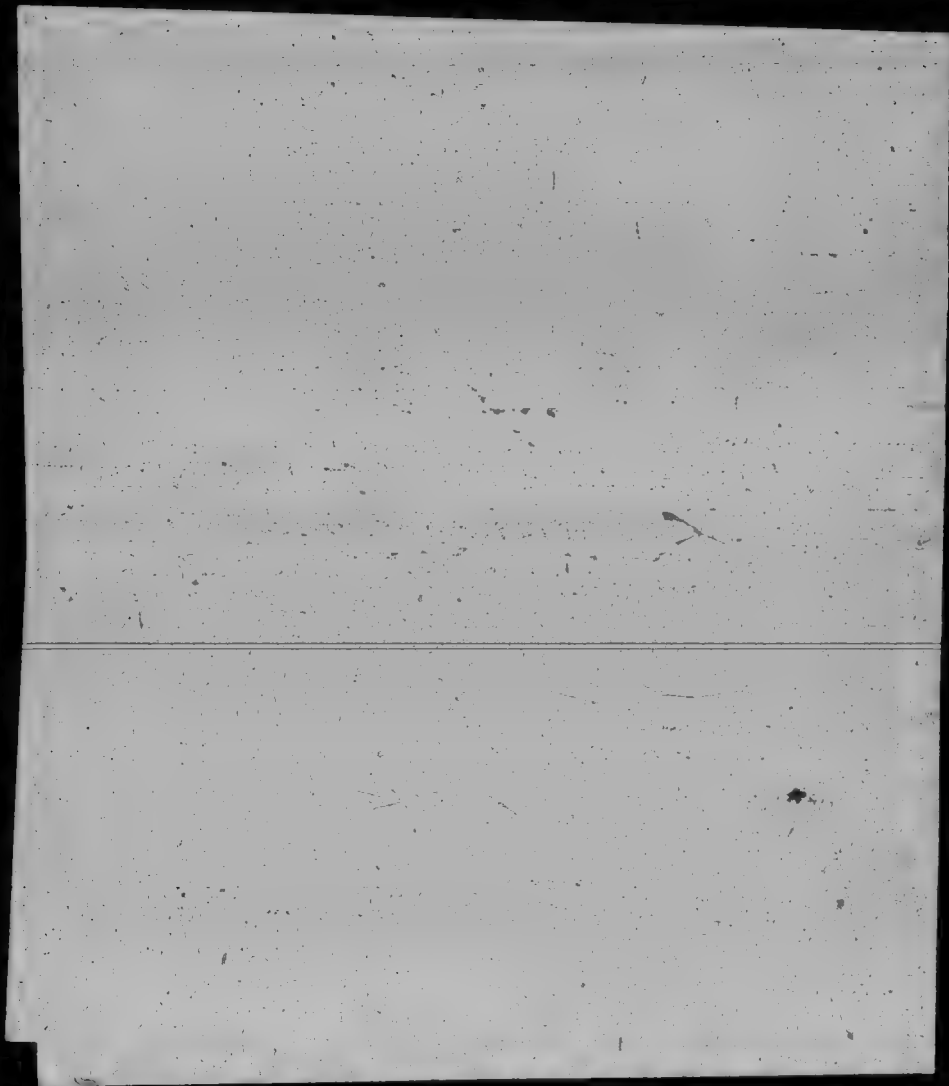
I, Alice Chisum, a midwife, on oath state that I
attended on Mrs. Sallie Lewis, wife of James Lewis,
on the 30th day of June, 1898; that there was born to her on
said date a male child; that said child is now living and is said to have been
named Jacob.

WITNESSES TO SIGN:

(Must be Two)
Witnesses: J. S. Wilson
J. W. Bogue

Subscribed and sworn to before me this 17th day of April, 1901.

A. M. Quincy
NOTARY PUBLIC



BIRTH AFFIDAVIT.

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

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Leroy Anderson born on the 16th day of March, 1902
(Give last name of child)
Name of Father: Frank Anderson, a citizen of the United States Nation.
Name of Mother: Nancy Lewis, a citizen of the Choctaw Nation.
Post-office, _____

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, |
North District. |

I, Nancy Lewis, on oath state that I am Twenty years of age and a citizen, by Birth of the Choctaw Nation; that I am the lawful wife of any one, who is a citizen, by _____ of the _____ Nation, that a male child was born to me on the 16th day of March 1902 that said child has been named Frank Anderson Lewis, and is now living.

WITNESSES TO SIGN

(Must be Two Witnesses)

Nannie Lewis

Subscribed and sworn to before me this 21st day of April, 1902

L M Orr
Notary Public
My Com Ex Mach 16-1902

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, |
North District. |

I, Sallis Lewis, a midwife, on oath state that I attended on Mrs. Nancy Lewis, wife of _____ on the 16th day of March, 1902 that there was born to her on said date a male child; that said child is now living and is said to have been named Frank Anderson Lewis.

WITNESSES TO SIGN

(Must be Two Witnesses)

D. M. Hodge
H. J. Rice

Sallis Lewis
midwife

Subscribed and sworn to before me this 21st day of April, 1902

L M Orr
Notary Public
My Com Ex Mach 16-1902

APR 30 1901

2 17/3

Refer in reply to the following:

Land
19,866-1901.

(Copy)
Department of the Interior,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. April 29, 1901.

The Honorable

The Secretary of the Interior.

Sir:

This office is in receipt of your communication, dated April 13, 1901, transmitting for consideration, report and recommendation, a letter from S.J. Scott, of Tecumseh, Oklahoma, dated April 8, 1901, relative to the claim of Jim Lewis, et al., to be enrolled as full blood Cherokees, and requesting the Department to send him the names of the members of the Lewis family.

In his said communication Mr. Scott states that Jim Lewis and family, Alice Chisholm (his sister) and family of three children, and Jennie, John and Chewanie Lewis, the three orphan children of Charles Lewis and wife (both parents dead) were listed for enrollment by the Dawes Commission at Muscogee as citizens by blood of the Cherokee Nation on doubtful card, on March 25, 1901; that Nancy L. Chisholm, the sister of Jim Lewis, and her children, owing to severe illness were not on hand at Muscogee on the 25th, with the others, but will appear later; that he was present at Muscogee with those listed on the 25th of March; that the fact arose that these Indians had at one time been allotted lands in the Pottawatomie country and that those allotments had been relin-

quished to the government and the trust patents for the same cancelled by the Secretary of the Interior; that the Acting Chairman at Muscogee, Hon. Thomas B. Needles, desired this fact in an official manner and suggested that if he (Scott) would write to the Department and obtain this it might save the commission that trouble and that the information or fact could be filed with the other papers for consideration when they would again take the matter up. For this reason he requests that you will send him the names of the Lewis family, including Nancy L. Chisholm, whose patents were cancelled by the Secretary of the Interior on or about February 6, 1896, and also those cancelled on or about September 15, 1896, that the same may be filed with the other matters with the commission.

Reporting upon this communication I have the honor to state that under date of September 8, 1896, the following Absentee Shawnee trust patents with the relinquishment of each allottee, or of his natural guardian, endorsed thereon, were transmitted to the Department with the recommendation that they be cancelled under the Act of January 26, 1895, (28 Stats., 641).

No. 307. Shawnee Chisholm.

No. 37. Mary Chisholm. Each of these two parties relinquished because the patentees were citizens of the Creek Nation.

No. 313. Samuel Chisholm.

No. 308. Lucy Chisholm.

No. 311, Thurman Chisholm.

No. 309. Zakelan Chisholm.

No. 310. Lissie Chisholm.

No. 312. Ollie Chisholm.

Each of the last six patents was relinquished by Nancy L. Chisholm, mother and natural guardian of the allottee, on the ground that each allottee was a citizen of the Cherokee Nation.

No. 315. Sallie Lewis. This patent was relinquished on the ground that the allottee was a citizen of the Cherokee Nation.

No. 268. Sallie Chisholm.

No. 316. Lucy Chisholm.

No. 316 was relinquished by Sallie Lewis, mother and natural guardian of the patentee. Sallie Chisholm, it was stated, was a member of the Creek Nation and Lucy Chisholm of the Cherokee Nation. The patents were accompanied by affidavits as to the status of the parties as Cherokee and Creek Indians, and by certificates, under seal, of the officers of the Cherokee and Creek nations.

In a report made by Agent Wisdom, dated August 28, 1896, he stated that Mary Chisholm, Sallie Chisholm and Shawnee Chisholm were registered upon the authenticated census rolls of the town of Little River of the Muscogee Nation and were in full enjoyment of all the rights, privileges and benefits as citizens of said nation; that Nancy L. Chisholm appeared on the pay rolls of the Cherokee Nation of 1894 as a citizen of the Cherokee Nation by blood, but that she took no allotment as an Absentee Shawnee.

neither did her daughter Rose; that her other children were as follows: Rekiel or Zehelan, Lizzie, Ollie or Ache, Thurman or Tuxie, Ooliehey, or Lucy, and Jackson or Samuel Chisholm, all of whom took allotments as Absentee Shawnees and all of whom drew payments as Cherokees by blood; that Iuqua Chisholm, nee Sallie Lewis appeared upon the census rolls of the Cooweesecowee district for the year 1893 as a citizen of the Cherokee Nation, by blood; that she also took an allotment as an Absentee Shawnee; that the name of Lucy Chisholm, aged 14 years, appeared upon the census rolls of the said district for the year 1893, as a citizen of the Cherokee Nation, by blood; that upon examination of the old settler roll, Arhuka Chisholm, supposed to be Iuqua Chisholm, and Nancy Chisholm, supposed to be Nancy L. Chisholm, were registered as daughters of the same parents, to wit., Lewis, deceased, and Checornalor or Nelly Lewis, aged 85, and were put down, respectively, as 36 and 38 years of age, and drew the money due them as old settler Cherokees, and that he had no doubt of the identity of Arhuka Chisholm and Nancy Chisholm with Iuqua and Nancy L. Chisholm. The patents mentioned were cancelled by the Department September 14, 1896.

February 4, 1896, this office transmitted to the Department the following relinquished Absentee Shawnee patents:

- No. 231. Jim Lewis.
- No. 235. Martin Lewis.
- No. 236. Ah-nah-que-se-no or James Lewis.
- No. 233 Nannie Lewis.
- No. 234. Jephtha Lewis.

No. 314. Nellie Lewis.

No. 46. Hel-la-la-mah.

No. 47. Nah-he-se-mo.

No. 45. Nah-tah-wa-pea-se or Mrs. Charles Lewis.

James Lewis made affidavit that his children, Nannie Lewis, Jephtha Lewis, Martin Lewis and Ah-nah-que-se-mo or James Lewis, allotted as Absentee Shawnees, were the same persons as those enrolled on the census rolls of the Cherokee Nation and who had been paid their per capita payments as citizens by blood, under the following names:

Nannie Lewis, Jeff Lewis (the same as Jephtha) Runabout Lewis (the same as Martin) and David Lewis (the same as Ah-nah-que-se-mo, or James Lewis).

Charles Lewis made affidavit that he was the husband of Nah-tah-wa-pea-se or Alice Lewis, Absentee Shawnee allottee; that they had two children, then minors, Hel-la-la-mah, or Jennie Lewis, and Nah-he-se-mo, or John Lewis, each of whom was allotted as an Absentee Shawnee; that his wife and minor children, as well as himself, were on the census rolls of the Cherokee Nation as citizens at the time allotments were made to his wife and children, and that each and all of them had received per capita payments from the Cherokee Nation.

James and Charles Lewis made joint affidavit that their mother, Che-ge-mell Lewis was a full blood Cherokee Indian, and that she held an allotment as a Shawnee under the name of Nellie

Lewis.

These patents were cancelled February 5, 1896.

September 21, 1895, this office transmitted to the Department Absentee Shawnee patent No. 288, issued to Frank B. Chisholm, No. 289 to Jesse Chisholm and 290 to Lucy Little Bear, with their relinquishments endorsed thereon, Agent Thomas stating that these parties had showed him their certificates of citizenship as Creek Indians. The patents were cancelled September 25, 1895.

March 16, 1897, Absentee Shawnee patent No. 168, issued to Henry Chisholm, with the relinquishment of Susan Chisholm, nee Susan Tomahawk, mother and natural guardian, endorsed thereon, was transmitted to the Department. The consideration for this relinquishment was that said Henry Chisholm had been allotted land at the Quapaw Agency as an Eastern Shawnee. This patent was cancelled March 18, 1897.

August 31, 1896, Absentee Shawnee patents No. 305 issued to Susie Skah-kah, nee Tomahawk and No. 276 issued to Jennie Chisholm daughter of the preceding, were transmitted to the Department. No. 305 was relinquished by Susie Skah-kah, nee Tomahawk, and No. 276 by the same as mother and natural guardian. The relinquishments were made for the reason that each of the patentees held an allotment of land in the Quapaw agency as Eastern Shawnees. The patents were cancelled September 2, 1896.

It is not thought that the patents of any other members of the Lewis and Chisholm families have been cancelled.

Very respectfully,
Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(J.F.A.) P.

MISSISSIPPI
F. L. S. S.
JAN 21 1903

MS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

May 1, 1901.

Mr. S. J. Scott,
Tecumseh, Oklahoma Territory.

Sir:

The Department is in receipt of a report from the Commissioner of Indian Affairs upon your letter dated April 8, 1901, concerning the claims of Jim Lewis et al., to be enrolled as members of the Cherokee Nation, and requesting the Department to send you the names of the members of the Lewis family, including Nancy Chisholm, patents to whom were canceled by the Department about February 6, 1896, and September 15th, same year.

The report of the Acting Commissioner sets out the names in full and a copy thereof is inclosed herewith for your information.

Respectfully,

Hoshman
Acting Secretary.

Ind. Ter. Div.
1462, 1713-1901.
1 inclosure.

8

1766

1766

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1166

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

March 1,

1902.

Mr. James Lewis,

Turley, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself, your wife and seven
minor children**

for enrollment as **citizen** of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 20, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of readmission to Cherokee citizenship.

Register.

Copy to S. J. Scott,
Tocumseh, Oklahoma/

Yours truly,

Acting Chairman
Commissioner of the Five Civilized Tribes

EXECUTIVE DEPARTMENT



CHEROKEE NATION.
- TAHLEQUAH, INDIAN TERRITORY.

March, 24-1902,

S.J. Scott, Esq,

Tecumseh, O.T.

Sir:--

I herewith enclose certified copy of Senate Bill, No, 23,
This is what you want. There is nothing to show that Mr ,Lewis
was readmitted in 1890 the copy you enclosed was not correct so I
made a new one and attached the proper certificate,

Very respectfully,

A. B. Cunningham
Assistant Secretary.

9727

Indian Affairs
Rec. MAY 19

1902

15728

886/01-04-84

S. J. Scott

Memph. Co.

Ma. 15

App. to application

of Jas. Lewis et al.

for enrollment in

Cher. Nation

U. S.

no card

[Handwritten signature]

Tecumseh, O. T., May 15, 1902.

Hon. W. A. Jones,
Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:-

I wish to call your attention to a case before the Commission to the Five Civilized Tribes known by them as the "James Lewis, et al" case, Cherokee D--1166, D--1167, D--1168 and so on.

I have been aiding these Indians a number of years. Finally James Lewis and a portion of the family had a hearing before the Commission, March 25th, 1901. It was then that James Lewis and family, the orphan children of Charles Lewis and wife, Mrs. Charles Lewis, or Nah-ta-wah-pea-se, and Alice Chisholm or "Che-yor-say Ellis and her three children were placed on the doubtful card, as per numbers given.

The evidence taken at the time was by no means thorough, owing to the hostility of the attorney representing the Cherokee Nation. The Indians having no lawyer present, I expected that the Commission would fully question all points as to genealogy and as to permanent residence, etc. I attended only to see that they had means to appear before the Commission and were fairly and impartially examined. I was unwillingly drawn into the case, and matter which had absolutely nothing to do with rights as claimants was injected into the case, and thereby a more careful investigation evaded. It was developed by the testimony that James Lewis, Charles Lewis and his sisters were the children of Lewis and wife, Che-go-nell Lewis who lived in Canadian District, Cherokee Nation, and at the breaking out of the civil war went north to Kansas; it was never known where, if at any stated place they resided afterward.

James Lewis, then a little boy with one or two younger sisters, left with their parents, and claim to have moved from place to place, possibly getting back to the Cherokee Nation in about 1860.

I was appointed as United States Licensed Trader at old Shawneetown, Pottawatomie Reservation, February 24th, 1886. These Indians at that time lived in little cabins a few miles distant, but made trips back and forth to the Coe-wee-soou-we District, Cherokee Nation. When the allotting agent, Major W. S. Porter, first came to allot the land, these Indians and the Ellis family and others fled the country, claiming to be Cherokee Indians. Major Neal, then Indian Agent at Sae &

Fox Agency, attempted to stop them, but finally let them pass on to the Cherokee Nation. This allotting agent did not complete this work until about three years later. These Indians came back as was their custom and some of them were persuaded to take allotments. When the country was opened to settlement they left.

The testimony shows that they had temporary homes in the Cherokee Nation, but they claimed not to own homes of their own until about nine years ago.

You will notice from certified copy of Cherokee Law (see copy) Senate Bill No. 23 enacted November 28th, 1888--and about the time that these Indians refused allotments, that Sarah Ellis, "the wife of James Lewis, a Cherokee" was re-admitted to citizenship. It occurs to me that if it had been thought necessary to admit James Lewis, a Cherokee, the National Council would have been asked to do so.

It is a fact beyond all question that there have been existing in the Cherokee Nation a number of intelligent Cherokee Indians who desired not to fully enroll as citizens at times, and the more timid Indians failed to get that recognition they were entitled to. The same spirit exists now. A few years ago under the management of the Dawes' Commission (supposed) surveyors were platted Cherokee Indian lands, leaving with each family township plats marked "Interior Department" and the land intended for each Indian family marked to indicate the Indian home. This was done with these Lewis and Chisholm Indians. I know full well it was no allotment, but it is a fact that they were in quiet, peaceable possession of their homes not claimed then by others; they each year have been raising crops. It has developed since that others want some of these lands. James Lewis made a weeks trip to see me, leaving his family on his land; when he returned, a portion of his best land had been enclosed by another. I have recently seen a letter to another person from the Cashier of First National Bank, Vinita, (W. P. Phillips) claiming to have purchased from one Baker, the land marked for Nancy L. Chisholm. I simply allude to this to show the condition and the difficulties that full-blood Indians, easily discouraged, have to contend with. James Lewis and sisters cannot speak the Shawnee language but little. A Cherokee interpreter had to be used in taking testimony. This pressure ^{in a manner} can go before the Commission, not directly, but in a manner to mislead them and cause these Indians to lose their rights.

CORRECTION

THIS DOCUMENT
HAS BEEN
REPHOTOGRAPHED
TO ASSURE
LEGIBILITY.

Tecumseh, O. T., May 18, 1902.

Hon. W. A. Jones,
Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:-

I wish to call your attention to a case before the Commission to the Five Civilized Tribes known by them as the "James Lewis, et al" case, Cherokee D--1166, D--1167, D--1168 and so on.

I have been aiding these Indians a number of years. Finally James Lewis and a portion of the family had a hearing before the Commission, March 25th, 1901. It was then that James Lewis and family, the orphan children of Charles Lewis and wife, Mrs. Charles Lewis or Nah-ta-wah-pea-se, and Alice Chisholm or "Che-yor-say Ellis and her three children were placed on the doubtful card, as per numbers given.

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Fox Agency, attempted to stop them, but finally let them pass on to the Cherokee Nation. This allotting agent did not complete this work until about three years later. These Indians came back as was their custom and some of them were persuaded to take allotments. When the country was opened to settlement they left.

The testimony shows that they had temporary homes in the Cherokee Nation, but they claimed not to own homes of their own until about nine years ago.

You will notice from certified copy of Cherokee Law (see copy) Senate Bill No. 23 enacted November 28th, 1866—and about the time that these Indians refused allotments, that Sarah Ellis, "the wife of James Lewis, a Cherokee" was re-admitted to citizenship. It occurs to me that if it had been thought necessary to admit James Lewis, a Cherokee, the National Council would have been asked to do so.

It is a fact beyond all question that there have been existing in the Cherokee Nation a number of intelligent Cherokee Indians who desired not to fully enroll as citizens at times, and the more timid Indians failed to get that recognition they were entitled to. The same spirit exists now. A few years ago under the management of the Bureau Commission (supposed) surveyors were platting Cherokee Indian lands, leaving with each family township plats marked "Interior Department" and the land intended for each Indian family marked to indicate the Indian home. This was done with these Lewis and Gisholm Indians. I know full well it was no allotment, but it is a fact that they were in quiet, peaceable possession of their homes not claimed then by others; they each year have been raising crops. It has developed since that others want some of these lands. James Lewis made a week's trip to see me, leaving his family on his land; when he returned, a portion of his best land had been enclosed by another. I have recently seen a letter to another person from the Cashier of First National Bank, Vinita, (E. P. Phillips,) claiming to have purchased from one Baker, the land marked for Nancy L. Gisholm. I simply allude to this to show the condition and the difficulties that full-blood Indians, ably discouraged, have to contend with. James Lewis and sisters cannot speak the Shawnee language but little. A Cherokee interpreter had to be used in taking testimony. This pressure can go before the Commission, not directly, but in a manner to mislead them and cause these Indians to lose their rights.

I regret to note the resignation of Mr. Tams Bixby; at the same time, I do hope that the clause attached to the Indian Appropriation Bill making the decision of the Dawes' Commission final in such cases, was stricken from the Bill. Cases like the James Lewis et al, should have the right of appeal.

Reference is here made to a report made by your office, (Land 19,886--1901) April 29th, 1901, based on request of the Hon. Secretary of the Interior, under date April 13th, 1901. (L.H.S.--Ind.Ter. Div. 1452--1901) This report made by you was forwarded to me by the Hon. Secretary of the Interior, May 1st, 1901, and filed by me with the Commission of the Five Civilized, May 14th, 1901. Your statement was most thorough, covering the matter in the Indian Office; as to papers transmitted and Department action thereon. You, however, made no recommendation as was indicated or requested in Hon. Secretary's letter of April 13th, 1901.

This case of James Lewis, et al, was set for final hearing, March 20th, 1901, when those Indians appeared. Before any action was taken, the sisters of James Lewis, Nancy L. Chisholm and six children, and Inqu^r or Sally Chisholm and two children made application for enrollment as Cherokee citizens, and by consent of Cherokee Representative and the Commission, it was agreed to enroll them on doubtful card, and the merits of those added, be determined by the testimony in the James Lewis et al case. The case was closed that day. I was allowed ten days time to file certain certificates from Cherokee Nation provided I could get same. I was notified that a decision would be reached within 30 or 60 days. Some of the lands of Nancy L. Chisholm, and about ten acres only of James Lewis was forcibly planted in wheat, and it is not for the purpose of claiming wheat rent, as some wish, to delay decision. But ~~this~~ this decision go as it may, there is a feeling of annoyance and unrest existing for ten years, that certainly cannot be for the best for the Indians. They know they have rights that should be granted them.

I have just notified them that I will appeal to you, asking you to make a recommendation in their case or at least request action by the Dawes Commission and to notify me whether or not if the Dawes Commission should decide against them, ~~they~~ they have right of appeal.

I was promised a copy of the evidence when case was closed, which has not been received. I have thought it best and herewith enclose you copy of testimony in cases--Cherokee B--1166--1167--1168 which

I may or may not need in future--it gives dates, etc. , when enrolled for payments--giving more information than I could well write.

Earnestly trusting I may advance the interest of these Indians, and that I will have an early reply, I am with much respect,

Yours very truly,

S. J. Scott

5168

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
15728	Sept 25 1902	Book	Page
1902			

Indian Office,
Jones,
Washington, D. C.
Sept. 20, 1902

CHECK

Enc., for appropriate
action, letter of S. J.
Scott relative to the appli-
cation of James Lewis,
for Creek citizenship.

Sept. 20, 1902.

of James Lewis; of St. for citizenship in the Creek Nation.
On May 12, 1902, by G. W. Scott, relative to the application
and administrative action. A letter addressed to this office
there is inclosed herewith for your consideration
Sirs:

Approved: J. H. J. J. J.

Miss C. J. J. J.

Refer in reply to the following:

Land
29727-1902.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, Sept. 20, 1902.

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

Sirs:

There is inclosed herewith for your consideration and appropriate action, a letter addressed to this office on May 15, 1902, by S. J. Scott, relative to the application of James Lewis, et al., for citizenship in the Creek Nation.

Mr. Scott's letter and the inclosures have been retained in this office awaiting the report of the Commission in the Lewis case. It seems best, however, to forward said letter and inclosures to you for your consideration, instead of awaiting the arrival of the case and then returning the record.

Very respectfully,

WCV
D


Commissioner.

Cherokee D-1166-
1167-1168.

Vinita, Indian Territory, January 2, 1903.

S. J. Scott,
Attorney for James Lewis, et al.,
Tecumseh, Oklahoma.

Dear Sir:-

The Commission is in receipt of your letter of December 22, asking what disposition has been made of the applications of James Lewis, et al., Jennie Lewis, et al. and Alice Chism, et al., for enrollment as citizens of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision as to the right of these applicants to enrollment.

In the case of James Lewis, et al., a certified copy of an Act, claimed to have been passed by the Cherokee National Council, re-admitting this applicant to citizenship about the year 1890, is required, also further evidence as to the citizenship of the parents of James Lewis and as to his residence in the Cherokee Nation.

Evidence is also required as to the citizenship of the parents of Jennie Lewis, et al., and as to the citizenship of the parents of Alice Chism, and as to her residence.

E. J. S.-2.

It will be necessary that this evidence be furnished the Commission before the rights of these persons to enrollment can be finally determined.

Respectfully,

Acting Chairman.

R.P.

Cherokee D-1166.

Vinita, Indian Territory, January 10th, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application for the enrollment as Cherokee citizens of James Lewis, et al, Cherokee Doubtful #1166, now pending before the Commission, we have the honor to herewith transmit a copy of a letter, under date of May 23rd, 1902, from Frank A. Thackery, superintendent and special disbursing agent of the United States Indian training school at Shawnee, Oklahoma, from which it appears that a number of persons therein named took allotments of lands among the Shawnees in Oklahoma. Nearly all of the parties named in said letter are applicants for enrollment as citizens by blood of the Cherokee Nation, and all of them, excepting Sally Lewis, allottee number 232, allege that they returned the patents to their allotments, which said patents were cancelled, and that they relinquished all right and title to said allotments and returned to the Cherokee Nation some 10 years ago.

It appears from a copy of a letter on file with this Commission, under date of February 11th, 1902, from D. W. Browning, Commissioner of Indian Affairs, to C. L. Thomas, Indian Agent in charge of the Fox and Fox agency, Oklahoma, that the patents issued to James Lewis and three members of his family were cancelled by the Secretary of

the Interior on February 5th, 1896.

The Commission would be pleased to know whether the Department has any record of the cancellation of the patents and relinquishment of the allotments as to the other persons named in the enclosed letter, and if so, the same should be made to appear of record in the applications of such parties now pending before the Commission, so that a decision in such cases may be reached and the applications disposed of as speedily as possible.

Respectfully,

Acting Chairman.

Enc. C-3.
JOC.

21116

Department of the Interior, Bureau of Land Management
Washington, D.C. 20250
Dear Sir:

Commission of the General Land Office, the cancellation of the
patents and the relinquishment of the lands as to the
persons mentioned in enclosed. It is noted that the
number of record in the office of the Commissioner of the
General Land Office is 100,000. The total number of
acres of land is 10,000,000.

RECEIVED
MAY 15 1903

[Handwritten signature]

AG. L. T. 100,000

Vinita, Indian Territory, January 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application of James Lewis, et al., for enrollment as citizens of the Cherokee Nation, now pending before the Commission, I have the honor to transmit herewith, a copy of a letter dated May 23, 1902, from Frank A. Thackery, Superintendent and Special Disbursing Agent of the United States Indian Training School, Shawnee, Oklahoma, from which it appears a number of persons therein named took allotments of land among the Shawnees in Oklahoma.

Nearly all of the parties mentioned in said letter are applicants before the Commission for enrollment as citizens by blood of the Cherokee Nation and all of them, excepting Sally Lewis, Allottee No. 232, allege that they returned the patents to their allotments, which said patents were cancelled and that they relinquished all right, title and interest in and to said allotments and returned to the Cherokee Nation some ten years ago.

It appears from a copy of a letter on file with the Commission from D. H. Browning, Commissioner of Indian Affairs, under date of February 11, 1896, to G. L. Thomas, Indian Agent in charge

of the Sac and Fox Agency, Oklahoma, that the patents issued to James Lewis and three members of his family, were cancelled by the Secretary of the Interior on February 5, 1896.

I respectfully recommend that the Department advise the Commission whether it has any record of the cancellation of the patents and the relinquishment of the allotments as to the other persons named in the enclosed letter, in order that the same may be made to appear of record in the applications of such parties, now pending before the Commission, and that a decision may be reached and the applications disposed of as speedily as possible.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Encl. P-80.

RF

5 1166

106
2-13
49-0-23

UNITED STATES

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Court at the City of New York, this 10th day of January, 1903.

MADE AT NEW YORK

COMMISSIONER OF THE GENERAL LAND OFFICE

JAN 20 1903

Cherokee D-1166

Vinita, Indian Territory, January 20th, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of James Lewis, et al, Cherokee D-1166, including also D-1167, D-1168, D-1280, D-1281, D-1343 and D-1344, the records in these cases is now deemed complete and upon examination of the same it is recommended that they be consolidated in one decision. For that purpose there is herewith transmitted the originals of all the testimony, together with duly certified copies of such papers as are necessary in preparing the decision.

Attention is respectfully called to the supplemental statement which will require the signature of a Commissioner. Please return the carbon copies, when signed, to this office.

Respectfully,

Clerk in Charge.

Enc. C-9
C-10.
JCE

Refer in reply to
the following:
Land
3834-1903.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, January 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to forward herewith a communication from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 13, 1903, in the matter of the application of James Lewis, et al., for enrollment as citizens of the Cherokee Nation now pending before the Commission.

The Chairman encloses copy of letter from Superintendent Thackery giving a list of members of the Lewis and Uhiselm families who were allotted with the Absentee Shawnees.

The Chairman states that nearly all of the parties mentioned in said letter are applicants for enrollment as citizens by blood of the Cherokee Nation, and all of them except Sally Lewis No. 212, allege that they returned the patents to their allotments, which patents were cancelled and they relinquished all right and title in and to said allotments and returned to the Cherokee Nation some ten years ago.

He recommends that the Department advise the Commission whether it has any record of the cancellation of the patents and the relinquishment of the allotments as to the other persons named, in order that the same may be made to appear of record in the application files of such parties now pending before the Commission.

The records of this office show that the following allotments, of those mentioned, were relinquished and that the patents therefore were cancelled by the Department February 5, 1896;

No. 231, Jim Lewis,

No. 236, Ah-nah-que-se-no, or James Lewis.

The following patents, the names of the allottees not being included in Superintendent Thackery's letter, were cancelled at the same time;

No. 233, Hattie Lewis,

No. 234, Jephtha Lewis,

No. 235, Martin Lewis,

No. 314, Nellie Lewis,

No. 45, Nah-tah-wa-pee-se, or Mrs. Charles Lewis,

No. 46, Hal-la-la-nah,

No. 47, Nah-ke-se-no.

In an affidavit accompanying the relinquishments James Lewis made affidavit that his children, Hattie Lewis, Jephtha Lewis, Martin Lewis and Ah-nah-que-se-no, or James Lewis, allotted as Absentee Shawnee, were the same persons as those entitled on the census rolls of the Cherokee Nation and who had been paid their per capita payments as citizens by blood, under the following names:

Hattie Lewis, Jeff Lewis (the same as Jephtha), Elizabeth Lewis, (the same as Martin) and David Lewis (the same as Ah-nah-que-se-no or James Lewis).

Charles Lewis made affidavit that he was the husband of

Nah-tah-wa-pea-se, or Alice Lewis (No. 48); that they had two children, then miners, Hal-la-la-mah or Jennie Lewis and Nah-ko-se-mo, or John Lewis, each of whom was allotted as an Absentee Shawnee; that his wife and minor children, as well as himself, were on the census roll of the Cherokee nation as citizens by blood at the time the allotments were made; and that each of them had received per capita payments from the Cherokee Nation.

James and Charles Lewis made joint affidavit that their mother, Che-go-nell Lewis, was a full-blood Cherokee Indian and that she held an allotment as a Shawnee under the name of Nellie Lewis (No. 314).

The following allotments of those mentioned, were relinquished and the patents therefor were cancelled September 14, 1896:

No. 27, Mary Chisholm,

No. 307, Shawnee Chisholm.

Each of these two patentees relinquished because they were citizens of the Creek Nation.

No. 308, Lucy Chisholm,

No. 309, Ke-ke-lan Chisholm,

No. 310, Lizzie Chisholm,

No. 311, Thurman Chisholm,

No. 312, Millie Chisholm,

No. 313, Samuel Chisholm.

Each of the last six patents were relinquished by Nancy L. Chisholm, mother and natural guardian, on the ground that each

allottee was a citizen of the Cherokee Nation.

No. 268, Sallie Chisholm.

It was stated that this allottee was a citizen of the Creek Nation.

The following patents, the names of the allottees not being indicated in Superintendent Thackery's letter, were cancelled at the same time:

No. 315, Sallie Lewis,

No. 316, Lucy Chisholm.

No. 316 was relinquished by Sallie Lewis, mother and natural guardian. It was stated that Sallie Lewis and Lucy Chisholm were citizens of the Cherokee nation.

Patent No. 276, Jennie Chisholm was cancelled September 3, 1896, it having been relinquished by Susie Shuh-shuh, nee Tomahawk, No. 306, mother and natural guardian, for the reason that the patentee held an allotment at the Quapaw Agency as an Eastern Shawnee. The mother's patent was also cancelled for the same reason.

Of the other parties mentioned in the letter of Superintendent Thackery, the records show that Susan Lewis, No. 43, and Lester Lewis, Citizen Pottawatomie Allottee No. 323 have sold all of their respective allotments.

The allotments of Nester Chisholm, Absentee Shawnee No. 33, and Wesley Lewis, No. 332, Iva B. Lewis No. 333, Charles Lewis, 335, Oscar Lewis 336, Flora Lewis 337, and Edward Lewis 338, citizens Pottawatomie, have not been sold.

-2-

The allotments of Wata-tha-poa-se Chishelm No. 804 and
Na-se-la-poa-se Chishelm No. 807, daughters of Charley Chishelm,
No. 808, have not been cancelled.

It is recommended that the enclosed copy of this letter be
forwarded for the information of the Commission.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

JY.A.

6

H. C. 3161-1903.

DEPARTMENT OF THE INTERIOR,

249

ITB. 804-1903,

Washington, January 30, 1903.

SIR:

Commission to the Five Civilized Tribes,

Muskogee, I. T.

gentlemen:

The Department is in receipt of the Acting Chairman's communication of January 12, 1903, in the matter of the application of James Lewis, et al. for enrollment as citizens of the Cherokee Nation with which was transmitted copy of a letter from the Superintendent and Special Disbursing Agent of the U. S. Indian Training School, Shawnee, O. T., from which it appears that a number of persons named therein took allotments of land among the Shawnees in Oklahoma. The Acting Chairman states that nearly all of said persons are applicants for enrollment as Cherokees, and that all, except one, allege that they were ransomed to their allotments, which were cancelled, and that they were ransomed to the Cherokee Nation some ten years ago. He recommends that the Commission be advised whether the Department has any record of such cancellations, in order that a decision in the citizenship cases may be reached and the applications disposed of as speedily as possible.

Reporting in the matter January 27, 1903, the Acting Commissioner of Indian Affairs sets out fully the facts concerning the citizenship cases of the persons referred to, as disclosed by the records of the Indian Office, and he recommends that a copy of his communication be forwarded for the information of the Commission.

Such copy is inclosed herewith.

Respectfully,

Wm. K. M.

Acting Secretary.

1 Inclosure.

Cherokee B-
1166-9-8, 1200-1
& 1244-9.

Waukegee, Indian Territory, April 13, 1903.

V. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting the applications of: James Lewis for the enrollment of himself, his wife, Sallie, and his eight minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob and Frank N. Lewis, and for three orphan children, Jennie, John and Mattie Lewis; Alice Chism for the enrollment of herself and her three minor children, James, Harry and Daniel Chism; Nancy Chishelm for the enrollment of herself and her five minor children, Webster, Lizzie, Willie, Davis and Lillie Chishelm; Lucy Chishelm for the enrollment of herself; Rosa Chishelm for the enrollment of herself; and Sallie Chishelm for the enrollment of herself and her minor child, John Chishelm, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may

COPY.

desire to make against the action of the Commission in this case,
a copy of which protest you will be required to serve upon the
applicants. If you fail to file protest within the time allowed,
this decision will be considered final.

Respectfully,

Tame Bixby

Chairman

Enc. K-116

COPY.

Cherokee D-1166
D-1167

Muskogee, Indian Territory, May 4, 1903.

James Lewis,

Turley, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting, among others, your application for the enrollment of yourself, your wife Sallie, your eight minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob and Frank H. Lewis, and for the enrollment of three orphan children, Jennie, John and Hattie Lewis, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, E. J. Scott, Tecumseh, Oklahoma, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

COPY.

-3-

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tama Bixby.

Chairman.

Enc. N-2100

Register

00

Cherokee 2-
1166-7-8, 1200-1
& 1248-9.

Wahkegee, Indian Territory, May 4, 1903.

E. J. Scott,

Attorney for James Lewis et al.,

Tecumseh, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the consolidated case of James Lewis et al., together with a copy of the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lissie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary

COPY.

of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

James B. Bixby

Secretary

Nov. 2-1909

Register

COBPA

Cherokee No.
1100-7-2, 1200-2,
& 1300-2

Washago, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Commissioner of Indian Affairs's letter of February 24, 1903, (land 10472-1903), there is herewith transmitted the record of proceedings had in the consolidated case of James Lewis et al., together with the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Mammie, Jefferson, Hannah, David, Bird, Thompson, Jacob, Frank E., Fennie, John and Fattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Linnie, Gille, Maria, Lillie, Sallie, John, Lucy and Rosa Chisholm, as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tama Birby.

Chairman

Enc. No. 100

Through the
Commissioner of Indian Affairs

COPY.

Received by
11/10/1904
S. 10000

Wahkago, Indian Territory, May 4, 1904.

W. V. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been trans-
mitted to the Secretary of the Interior, for review, the record of
proceedings had in the consolidated case of James Lewis et al.,
together with the Commission's decision, dated April 10, 1903,
granting the application for the enrollment of James, Nellie,
Fannie, Jefferson, Rumbout, David, Bird, Thompson, Jacob, Frank
E., Jennie, John and Mattie Lewis, Alice, James, Farry and Daniel
Shinn, and Nancy, Webster, Linnie, Ollie, Davis, Lillie, Willie,
John, Lucy and Foss Chicklin, as citizens by blood of the Cherokee
Nation, and the protest of the Cherokee Nation against said
decision, dated April 20, 1903.

The action of the Secretary will be made known to you as
soon as the Commission is informed of same.

Respectfully,

Tams Birby
Commissioner

Refer in reply to the following:

Land.
29,223-1903,
34,189-1903.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, - June 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of May 18, 1903, I. T. D. 4424, relative to the applications of James Lewis, et al., for enrollment as Cherokee citizens, there is enclosed herewith a report from the Commission, dated May 28, 1903, returning the papers forwarded by the Department, also a report from the Commission, dated May 4, 1903, transmitting the record relative to the proceedings in said case.

James Lewis applies for the enrollment of himself, his wife, Sallie, and their minor children, Hannie, Jefferson (or Jeptah or Jeff), Runabout (or Martin), David, Bird, Thompson and Jacob Lewis and for a grandson, Frank H. Lewis as citizens by blood of the Cherokee Nation. James Lewis also applies for the enrollment of three orphan minor children, to wit, Jennie, John and Hattie Lewis as citizens by blood. The three latter are the children of Charles Lewis and his wife, Alice Lewis, both now deceased. Alice Chism applies for the enrollment of herself and her three minor children, James, Harry and Daniel Chism as citizens by blood. Nancy Chishelm applies for the enrollment of herself and her minor children, Webster (otherwise known as Ezekiel and Ekelan), Lizzie, Ollie, Davis

(also known as Tuxie), and Lillie Chisholm as citizens by blood. Sallie Chisholm applies for the enrollment of herself and her minor son, John Chisholm, as citizens by blood; Lucy Chisholm for the enrollment of herself as a citizen by blood, and Rosa Chisholm for the enrollment of herself as a citizen by blood.

April 10, 1903, the Commission held that all of the parties above named were entitled to enrollment as citizens by blood of the Cherokee Nation. The Cherokee Nation, by its attorney, protests against the Commission's decision. The record shows that James Lewis, Alice Chism, Nancy Chisholm and Sallie Chisholm are brother and sisters, and that they are the children of Lewis Lewis and Checormehta (or Nelly) Lewis, both deceased. The names of the members of James Lewis' family except Thompson and Jacob appear on the 1894 Cherokee pay-roll. Thompson and Jacob are properly identified by birth affidavits. Frank H. Lewis is the illegitimate child of Nannie Lewis, daughter of James Lewis, and he is properly identified by a birth affidavit. Jennie, John and Che-wan, understood by the office to be Hattie Lewis, are identified by the 1894 pay-roll.

Alice Chism (nee Lewis), James, Harry and Daniel Chism are identified by the 1894 pay-roll, Harry Chism as Teder, and Daniel as Dannel.

Nancy Chisholm, Webster, Lizzie, Ollie and Davis Chisholm are identified by the 1894 Cherokee pay-roll, Webster as Ezekiel; Ollie

as Arle, and Davis as Tuxie. Lizzie Chisholm appears on said roll under the name of Oo-li-ehy Chisholm. Sallie Chisholm is identified by the 1894 pay-roll as Ingue Chisholm. John Chisholm was born in 1897, and is properly identified by a birth affidavit. Lucy Chisholm is the daughter of Charlie Chisholm and Sallie Chisholm, otherwise known as Ingue (or Iuka), and is identified by the 1894 pay-roll. Rosa Chisholm is the daughter of Nancy and Shawnee Chisholm, and she is identified by the 1894 pay-roll. Sallie Chisholm is now the wife of William Chisholm.

James Lewis, Sallie Lewis, Nannie Lewis, Jefferson Lewis and Runabout Lewis; Alice Chism, James Chism, Harry Chism, Webster Chisholm, Lizzie Chisholm, Ollie Chisholm, Tuxie Chisholm and Sallie Chisholm took allotments as absentee Shawnees. All of said parties have relinquished their allotments except Sallie Lewis, wife of James Lewis, Alice Chism, James Chism and Harry Chism. All of James Lewis' family except Thompson and Jacob Lewis are identified by the Cherokee census roll of 1890. From the record it does not appear that any of the applicants are identified by the 1896 census roll. All of the principal applicants, the record shows, except Lucy and Rosa Chisholm, removed from the Cherokee Nation soon after the commencement of the late Civil War. The record shows that all of the applicants, except those born in the Cherokee Nation subsequent to 1893, returned to the nation during the year 1893. They have all been continuous residents of the

Cherokee Nation since that date except those subsequently born. All of the applicants are of Cherokee blood. Sallie Lewis, wife of James Lewis, was admitted to citizenship in the Cherokee Nation by an act of the National Council approved November 28, 1888. This act specifically declares that Sallie Lewis and the other parties mentioned therein are re-admitted to citizenship upon condition that they remove to and locate in the Cherokee Nation, and report to the Principal Chief within twelve months from the date of the passage of the act, "otherwise they shall forfeit their citizenship in the Cherokee Nation." She did not remove within twelve months, and the record shows that she did not remove until 1893, which was five years subsequent to the date of her re-admission to citizenship. Furthermore, she did not relinquish her allotment as an absentee Shawnee. Part of the allotment was sold by her to W. J. Riggs, and the other part to Samuel J. Scott (see Department letters of February 3, 1903, and November 10, 1902). In view of the above the office does not agree with the Commission with reference to the citizenship of Sallie Lewis, wife of James Lewis, and therefore respectfully recommends that the Commission's decision declaring her entitled to enrollment as a Cherokee be not approved.

Alice, James and Harry Chism have not relinquished their allotments as absentee Shawnees. It is against the policy of the government to permit Indians to take more than one allotment.

There is now before this office a deed made by Alice Chism(Chisholm) by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of \$1100.00. If she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation. She is unquestionably of Cherokee blood, and there is nothing in the record to show that she removed from the Cherokee Nation with the intention of abandoning her citizenship in that nation, with the possible exception of her having taken an allotment as an absentee Shawnee. It is therefore respectfully recommended that Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

All of the other applicants to the case, who were given allotments as absentee Shawnees, except Sallie Lewis, have relinquished their allotments as such, which relinquishments were permitted on the ground that they were entitled to Cherokee citizenship, and the office considers that that action is sufficient to determine their citizenship. They were recognized by the Cherokees as citizens, and were enrolled as such. The principal applicants have lived in the Cherokee Nation since 1893. It is therefore respectfully recommended that James, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Hattie

Lewis; that Sallie Chisholm, John, Lucy, Rosa, Nancy, Webster, Lizzie, Ollie, Davis, and Lillie Chisholm be enrolled as citizens by blood of the Cherokee Nation; that Daniel Chism be enrolled; that Alice, James and Harry Chism be enrolled upon condition that prior to their enrollment they relinquish their allotments as absentees; and that Sallie Lewis, wife of James Lewis, be not enrolled.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

GAW-CCG

D. C. No. 17770-1903.

J.P.
F.N.H.

DEPARTMENT OF THE INTERIOR.

I.T.D. 4984-1903. Washington, June 23, 1903.

L. R. S.

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

Gentlemen:

On June 8, 1903, the Acting Commissioner of Indian Affairs submitted the Cherokee enrollment case of James Lewis et al., and recommended that your decision be affirmed as to the applicants except Sallie Lewis and Alice, James and Harry Chism. As to Alice, James and Harry Chism he recommends that they be declared entitled to citizenship in the Cherokee Nation upon the condition that they relinquish their allotments as Absentee Shawnees.

It is directed that you advise these applicants and the attorney for the Cherokee Nation of the recommendation of the Indian Office, and that thirty days from date of such notice will be allowed in which to file any argument they may desire; that a copy of such argument must be served upon the opposite party.

A copy of the Acting Commissioner's letter is enclosed.

Respectfully,

(SIGNED) E. A. Hitchcock.

Secretary.

1 inclosure.

Cherokee D-1166

Muskogee, Indian Territory, July 22, 1905.

S. J. Scott,
Attorney for James Lewis et al.,
Tocumseh, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of June 23, in regard to the enrollment of James Lewis and others as Cherokee citizens.

Your attention is called to the last paragraph of the Commissioner of Indian Affairs' letter in which he recommends that certain members of the Lewis family be enrolled, that others be enrolled upon condition that prior to their enrollment they relinquish their allotments as absentee Shawnees, and that Sallie Lewis, wife of James Lewis, be not enrolled.

In accordance with the instructions contained in the Department's letter you will be given thirty days from the date of this notice in which to file with the Commission for transmission to the Department, any argument which you may desire to submit in the

Scott - 2

matter, You will be required to serve a copy of such affidavit upon the attorney for the Cherokee Nations.

Respectfully,

Commissioner in Charge

Cherokee D-1166

Muskogee, Indian Territory, July 23, 1903.

James Lewis,

Turley, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of June 23, in regard to the enrollment of yourself and others as Cherokee citizens.

Your attention is called to the last paragraph of the Commissioner of Indian Affairs' letter in which he recommends that certain members of your family be enrolled, that others be enrolled upon condition that prior to their enrollment they relinquish their allotments as absentee Shawnees and that Sallie Lewis, your wife, be not enrolled.

In accordance with the instructions contained in the Department's letter you will be given thirty days from the date of this notice in which to file with the Commission for transmission to the Department, any argument which you may desire to submit in the matter. You will be required to serve a copy of such argument upon the attorney for the Cherokee Nation.

Respectfully,

Commissioner of Indian Affairs.

Cherokee D-1165

Waskoee, Indian Territory, July 22, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of June 23, in regard to the enrollment of James Lewis and others as Cherokee citizens.

Your attention is called to the last paragraph of the Commissioner of Indian Affairs' letter in which he recommends that certain members of the Lewis family be enrolled, that others be enrolled upon condition that prior to their enrollment they relinquish their allotments as absentee Shawnees and that Sallie Lewis, wife of James Lewis, be not enrolled.

In accordance with the instructions contained in the Department's letter you will be given thirty days from the date of this notice in which to file with the Commission for transmission to the Department, any argument you may desire to submit in the matter. You will be required to serve a copy of such argument upon the applicants.

Respectfully,

Commissioner of Indian Affairs

Cherokee D-1166.

Tecumseh, O. T.,

July 27, 1903.

Commission to the Five Civilized Tribes;-

Muskogee, I. T.

Gentlemen:-

Yours under date 22nd inst., with enclosures from the Honorable Secretary of the Interior, received and carefully noted. The Honorable Commissioner of Indian Affairs so thoroughly covers the cases James Lewis et al, that at this writing I feel like all parties should agree to his recommendation yet to be considered by the Honorable Secretary of the Interior; with the exception possibly under the existing circumstances that Alice Chishola, being in need of money, would be greatly benefited if she could waive her right to take an allotment with the Cherokee Tribe of Indians and secure the approval of her deed to her Absentee Shawnee Allotment now before the Department, by which she would receive \$1100.00.

She could relinquish her two minor children, James and Harry Chishola's Absentee Shawnee Allotments. In this way secure the allotments for her children with the Cherokee as follows: James Chishola, Harry Chishola and Daniel Chishola. With the money she would receive, which she needs, could improve her three children's lives with whom she would reside in the Cherokee Nation.

It is probably entirely out of place for me to ask if your Commission could make such a recommendation under the existing conditions for the benefit of Alice Chishola, in this way waiving her right to take an allotment with the Cherokee but enrolling her three children.

If you could not make such a recommendation, on receipt of letter from you refusing to do so, I will visit the Lewis family and advise Alice Chisholm to relinquish for herself and her two stated children the said Absentee Shawnee allotments, and ask to be enrolled as Cherokee citizens as recommended by the Honorable Commissioner of Indian Affairs.

The rejection of Sally Lewis, wife of James Lewis, does not work a hardship, as her husband and all of their children are recommended by the Honorable Commissioner of Indian Affairs to be enrolled as Cherokees.

I hope my letter is not inconsistent with your rules and regulations. As soon as I receive your reply to this, I will visit the Cherokee Nation and appear before your Commission with the interested party and file such papers as may be necessary and furnish opposite party with copies of same. In fact my client, the claimants, are satisfied with the recommendations of the Honorable Commissioner of Indian Affairs, and the relinquishments of Alice Chisholm, James Chisholm and Harry Chisholm would have been made, but about that time they became uneasy, as a fight was made against them by some of the Cherokees, and Alice Chisholm did not like to take the risk of her and her children being left homeless.

Yours very truly,

S. J. Scott

Copy
I send copy, as you may require it, for Cherokee representative which you will hand him if it is proper for you to do so.

S. J. Scott
Applicant, James Lewis

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

I. - 3700.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Enbridge, Indian Territory, August 12, 1903.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

There is inclosed herewith a letter from the office of Indian Affairs, dated August 6, 1903, (Land 7004-1907), in which it is requested that said office be advised whether Lucy or Wakabpense, age 19 years, and Nellie or Kacolapense, age 15 years, are enrolled as members of the Creek Nation; or whether they have made application for such enrollment. It is stated that they are children of Charley Chishelm, who formerly claimed rights with the Creek Indians but had been granted rights with the Wichita Indians.

You are advised that the name of Charley Chishelm and his daughter, Lucy, appear on Creek Indian card, Field No. 3700; that they were listed for enrollment as citizens of the Creek Nation April 20, 1901; that the Commissioner of Indian Affairs by letter of April 16, 1901, (Land Auth. 7000, 21247-1901), advised the Commission that said Charley Chishelm had been enrolled with the Delaware tribe of Indians of the Wichita Indian Reservation, Kiowa Agency, Oklahoma, and directed that his name be stricken from the Creek rolls, should it appear thereon. Accordingly the name of Charley Chishelm was stricken from said card No. 3700.

You are further advised that Lucy Chisholm, daughter of Charley Chisholm, age 18 years in 1901, was listed for enrollment as a citizen of the Creek Nation on said card, and that her name was stricken therefrom for the reason that she had been listed for enrollment as a citizen of the Cherokee Nation. It appears from said card that her deceased mother was a Cherokee.

Charley and Lucy Chisholm are both identified on the Creek tribal rolls, Lucy appearing thereon as Lucy Chisholm or Tah-oo-pe-oo. Nellie, daughter of Charley Chisholm, is not identified on the Creek tribal rolls under that name, nor has any application been made for her enrollment as a citizen of the Creek Nation.

Linnie, daughter of Charley Chisholm, age 11 years in 1901, is identified on the Creek tribal rolls with her father and sister Lucy, as Linnie Chisholm or Haro-la-ge-oo. She was listed for enrollment as a citizen of the Creek Nation on the card with her father and sister, and her name was stricken therefrom for the reason that she had been listed for enrollment as a Cherokee.

It appears from a notation on Creek card No. 3700 that Charley Chisholm has lived near Anadarko, Oklahoma Territory, for ten or twelve years, and that Lucy and Linnie live with him.

Charles M. Div. - 8

It is suggested that Hollis and Lincoln may be one and the same person.

Respectfully,

A handwritten signature in dark ink, appearing to be "L. A. [unclear]", written in a cursive style.

Commander in Charge.

END - 10.

Cherokee D-1348
Creek I. 3780

Muskogee, Indian Territory, September 8, 1903

Creek Enrollment Division.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 12, in regard to the enrollment as Cherokee citizens of Lucy and Lizzie (or Bellie) Chisholm, children of Charley Chisholm. You state that Lucy and Lizzie Chisholm had heretofore been listed for enrollment as citizens by blood of the Creek Nation, but that their enrollment was cancelled for the reason that they had been listed for enrollment as Cherokees.

In reply you are advised that the records of the Commissioner show that on June 25, 1902, Lucy Chisholm applied for the enrollment of herself as a citizen by blood of the Cherokee Nation; that she was placed upon Cherokee card D 1348; that her postoffice address was given as Turley, Indian Territory; that her father's name is Charley Chisholm, a Creek citizen, and her mother's name Iuka Chisholm, a Cherokee citizen.

You are further advised that Lucy Chisholm's application has been consolidated with the case of James Lewis et al., Cherokee

D 1166, and that the decision arriving her as a citizen of the United States was transmitted to the Department for approval on May 4, 1906.

You are further advised that the records of the Department fail to disclose that application has ever been made for the naturalization of Lizzie (or Nellie) Chisholm, child of Charles Chisholm, a citizen of the United States.

Respectfully,

Cherokee D-1186

Muskogee, Indian Territory, September 18, 1906

S. J. Scott,

Tecumseh, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the Commissioner of Indian Affairs' letter of September 12, acknowledging receipt of the Commission's letter of September 5, enclosing your argument in the case of James Lewis et al., together with the relinquishment of Alice Chism for her two minor sons, Charles and Te-kah Chism. This letter states that the relinquishment is not in good form.

You are therefore requested to have Alice Chism make relinquishment in accordance with instructions contained in said letter and forward the same to the Commission, when it will be transmitted to the Secretary of the Interior.

Respectfully,

Enc. D-99

Chalmers

51166

Muskogee, Indian Territory, October 2, 1908

The Honorable

The Secretary of the Interior.

Sir:

Referring to the Commissioner of Indian Affairs' letter of September 12, (Land 37712-1908), in regard to the relinquishment of Alice Chisholm for her children, Charles or James and Te-kah or Harry Chisholm, as Absentee Shawnee allottees, there is herewith enclosed patent issued to Te-kah Chisholm as an Indian of the Absentee Shawnee tribe, with relinquishment endorsed thereon. There is also enclosed the affidavit and relinquishment of Alice Chisholm for her son, Charles Chisholm, in which she states that she has never received patent to his allotment as an Absentee Shawnee.

Respectfully,

Through the
Commissioner of Indian Affairs.

(Signature)

Enc. 2-3

Charles B. Hill

Mustang, Indian Territory, October 2, 1907

G. J. Scott,

Township, Oklahoma

Dear Sir:

The Commission is in receipt of your letter of September 19, enclosing trust patent of To-ha Chishala to the west half of the northeast quarter of section 33, township 10, range 5 east, with the relinquishment endorsed on back; also relinquishment and deed of Alice Chishala for her son, Charles Chishala. These documents have this day been transmitted to the Secretary of the Interior.

Respectfully,

Charles B. Hill

Refer in reply to the following:
Land. 43703-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 23, 1903.

The Commission

to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

Under date of January 16, 1901, X. L. Thomas, then Agent of the Sac and Fox Agency, Oklahoma, forwarded to this office, with others, trust patents of Mah-tah-wa-pee-se, or Mrs. Charles Lewis, No. 45, Hol-la-le-mah, No. 46, and Mah-he-se-mo, No. 47, for certain lands in the Absentee Shawnee Reservation, the first relinquished by Charles Lewis for himself and two minor children, and the last two by Charles Lewis, natural guardian.

He also transmitted the certificates of W. M. Hayes, Assistant Executive Secretary of the Cherokee Nation, under seal, dated January 8, 1896, to the effect that the Charles Lewis, Jennie Lewis and John Lewis appeared upon the census rolls of the Coe-woo-see-see District, Cherokee Nation, as citizens of the same by blood, as per act of the National Council approved April 13, 1893.

Charles Lewis made affidavit that he was the husband of Mah-tah-wa-pee-se, or Alice Lewis, an Absentee Shawnee allottee, that they had two children, then minors, Hol-la-mah, or Jennie

Lewis, and Nah-he-se-mee, or John Lewis, each of whom was allotted as an Absentee Shawnee; that his wife and nine children, as well as himself, were on the rolls of the Cherokee Nation as citizens at the time the allotments were made to his wife and children, and that each and all had received per capita payments from the Cherokee Nation. Upon this showing the Department, under date of February 5, 1896, cancelled the three patents.

This office is now in receipt of a communication from Superintendent Thackery, in charge of the Absentee Shawnees, dated September 30, 1903, in which he states that Mrs. Charles Lewis died in May, 1892, leaving her husband, Charles Lewis, a Cherokee Indian, and Hol-la-le-mah, or Mary Lewis, Absentee Shawnee allottee No. 46, Nah-he-se-mee, or John Lewis, Absentee Shawnee allottee No. 47, and Mattie Lewis, born after allotment; that the two latter named children are in attendance at the Shawnee school; while Mary Lewis is in attendance at the Carlisle Indian school; that it now appears that no one of these ^{three} children has been enrolled as a member of the Cherokee tribe, nor was Mr. Charles Lewis, who died about the year 1897, leaving the three children as orphans, and that these children having been refused allotments with the Cherokee Indians in the Indian Territory are now homeless.

Mr. Thackery is under the impression that the allotment of Mrs. Charles Lewis has not been cancelled, but in this he appears to be mistaken.

If, as is stated by Mr. Thackeray, these children have been refused enrollment as Cherokees, they are left without any allotments or rights in either the Cherokee or Shawnee tribe. It is stated that they are full blood Indians, and presumably half Cherokee.

If, as appears to be the case from the certificate of Mr. Hayes, the father was enrolled as a citizen of the Cherokee Nation, it would seem that these children ought to be enrolled.

The matter is submitted for your investigation and action, with the request that the enrollment of these children be favorably considered, if possible.

Very respectfully,

(signed) W.C. Jones
Commissioner.
ACT.

JFA-C.

Muskegee, Indian Territory, November 3, 1903.

The Honorable

The Secretary of the Interior:

Sir:

The Commission is in receipt of the Commissioner of Indian Affairs' letter of October 23, (Land 63702-1903) in regard to the enrollment as Cherokee citizens of Hel-la-le-mah or Jennie Lewis, Mah-he-so-me or John Lewis and Hattie Lewis, children of Charles and Alice Lewis, deceased. It is stated that these children are absentee Shawnee allottees, but that their allotments as such were cancelled upon the affidavit of the father, to the effect that at the time the allotments were made his wife and children were on the Cherokee tribal roll and had received per capita payments from the Cherokee Nation. It is further stated that a communication of September 30, 1903, from Superintendent Thackery, in charge of the absentee Shawnees, discloses the fact that these children above mentioned have never been listed for enrollment as Cherokee citizens, and the matter is submitted to the Commission for investigation and action in the premises.

In reply the Commission desires to state that on March 26, 1901, Jennie Lewis, aged fifteen, John Lewis, aged twelve, and Hattie Lewis, aged ten years, children of Charles and Alice Lewis,

-2-

deceased, were listed for enrollment as Cherokee citizens upon a doubtful card; that on April 10, 1903, the Commission rendered a decision in the case of James Lewis, et al., granting, among others, the application for the enrollment of the three children above named, and that said decision, together with the record in the case was forwarded to the Department for approval on May 4, 1903.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

Refer in reply
to the follow-
ing: Land
63874-1903
70496-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, November 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Under date of February 22, 1897, Agent Thomas of the Sac and Fox Agency, Oklahoma, returned to this office Absentee Shawnee patent No. 318, issued February 6, 1892, to Charles Chisholm for the E/2 of the NE /4 of S.33, T.10- N., R. 2-E., relinquished by Charles Chisholm on the ground that he was regularly enrolled as a Creek Indian. March 5, 1897, Agent Thomas was advised by this office that Charles Chisholm, allottee No. 318, was, when allotted in 1889, but four years of age and the son of Alice Chisholm, and that, therefore, the patent seemed to have been improperly delivered to Charley Chisholm. The patent was returned with an endorsement thereon showing that the relinquishment was void, with instructions to deliver the patent to Alice Chisholm, the mother of the allottee. Under date of June 8, 1903, this office referring to Departmental letter of May 18, 1903, (I.T.D. 4284), relating to the application of James Lewis, et al., for enrollment as two citizens, forwarded the report in the case of James Lewis,

al., applicants for Cherokee citizenship, which record included the application of Alice Chisholm for the enrollment of herself and her three minor children, James, Harry and Daniel Chisholm, as citizens by blood.

The record in the case showed that James Chisholm was identical with Charles Chisholm, Absentee Shawnee allottee No. 318, and Harry Chisholm with Tekah Chisholm, Absentee Shawnee allottee No. 319. In said report it was recommended that Alice Chisholm and Harry Chisholm be declared entitled to citizenship in the Cherokee Nation, upon condition that they relinquish their respective allotments as Absentee Shawnees. It was stated, however, that Alice Chisholm preferred to retain her Shawnee allotment.

Under date of October 2, 1903, the Commission to the Five Civilized Tribes returned to this office the patent, No. 319, issued to Tekah Chisholm for the $\frac{1}{2}$ of the $\frac{1}{4}$ of S. 53, T. 16- N., R. 3-E., I. M. with a relinquishment endorsed thereon signed by Tekah Chisholm by Alice Chisholm, as mother and guardian, for the land covered thereby, the consideration being "that the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee Band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee in

dian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation." This relinquishment was executed September 8, 1896. The Commission also enclosed the affidavit and relinquishment of Alice Chisholm for her son Charles Chisholm in which she stated that she had never received patent for his allotment as Absentee Shawnee.

October 26, 1903, Superintendent Theakery of the Shawnee Indian Training School transmitted to this office, at the request of S. J. Scott, attorney for the applicants, the patent No. 318, issued to Charles Chisholm, as above stated.

The relinquishment of Alice Chisholm, transmitted by the Commission, have been attached to this patent and is believed to be sufficient. It is recommended that the two patents be cancelled, provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

There is also forwarded the letter of the Commission to you dated October 2, 1903.

Very respectfully,

W. A. JONES,

Commissioner.

J.F.A.
H.B.R.

(COPY)

D C 32536

DEPARTMENT OF THE INTERIOR.

J.P.

ITD 4984,8112-1903.

Washington.

WHR.

L.R.S.

November 19, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On June 23, 1903, the Department directed you to advise the applicants in the Cherokee enrollment case of James Lewis, et al., and the attorney for the Cherokee Nation, that they would be allowed thirty days to file arguments in the case.

It is requested that you advise the Department direct immediately as to notice of this action to the attorney for the Cherokee Nation and whether any action has been taken by the Nation.

The Department acknowledges the receipt of your letters of October 2 and November 3, 1903, in regard to this case.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

Muskogee, Indian Territory, November 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of the Department's letter of November 19, 1903, (I.T.D. 4984-8112-1903), requesting a direct report as to the notice to the attorney for the Cherokee Nation that he would be given thirty days to file argument in the case of James Lewis, et al., in accordance with Departmental letter of June 23, 1903, and as to whether any action has been taken by the Nation.

In reply the Commission desires to state that its records show that on July 22, 1903, such notice was forwarded the attorney for the Cherokee Nation and that a copy of the Department's letter above referred to was inclosed. Up to this date no reply to said notice has been received from said attorney.

Respectfully,

Chairman.

Cherokee D #1166.

Muskogee, Indian Territory, November 22, 1902.

S. J. Scott,
Attorney for James Lewis et al.,
Tecumseh, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 22, asking to be advised if the Secretary of the Interior has acted upon the Commission's decision in James Lewis et al., Cherokee D 1166; also if there are any developments in the case requiring your attention.

In reply you are advised that the Commission has not as yet received notice of the Department's action in this case. There have been no new developments brought to the Commission's notice which would require your attention. When a notice has been received of the Department's action you will be advised.

Respectfully,

D C. 34128-1903. WIR LRS JP ITD 4984, 8090-1903.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

December 7, 1903.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Referring to your letter of September 5, 1903, transmitt-
ing argument by the attorney for the applicants in the case of James
Lewis, et al. (Cherokee D 1166), said argument is herewith returned
as it bears no evidence of having been served upon the attorney for
the Cherokee Nation.

You will advise the attorney making this argument, Mr.
S. J. Scott, that the records of the Department do not show that
he has been admitted to practice before the Department, and inclose
him the inclosed copy of rules and regulations governing the admis-
sion of attorneys and agents to practice before the Department, and
form of oath required also inclosed.

Respectfully,

(signed) Theo Ryan

Acting Secretary

3 inclosures.

Muskogee, Indian Territory, January 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the argument of the attorney for the applicants in Cherokee D 1166, James Lewis et al., together with blank form for acknowledging receipt thereof, which you are requested to sign and return to the Commission by next mail.

Respectfully,

Enc. D-2.

Chairman

Cherokee D-1166.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 7, 1903, (I.T.D. 4984, 8090-1903), there is herewith transmitted the argument of the attorney for the applicants in Cherokee D 1166, James Lewis et al., together with proof of service thereof upon the Cherokee Nation.

There is also inclosed the application of S. J. Scott, attorney for the applicants, for admission to practice before the Department, together with duly executed attorney's oath.

Respectfully,

Enc. D-27.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Cherokee D-1166.

Muskogee, Indian Territory, January 9, 1904.

S. J. Scott,

Attorney for James Lewis et al.,

Tecumseh, Oklahoma.

Dear Sir:

The Commission is in receipt of your letter of December 16, 1903, enclosing your argument in Cherokee D. 1166, James Lewis et al., and your application for admission to practice before the Department.

You are advised that these documents, together with proof of service of the argument upon the Cherokee Nation, have this day been transmitted to the Department.

Respectfully,

Commissioner in Charge.

D. C. No. 4666-1904.

(COPY)

JP. PHE. LRS.

I.T.D. 4984-8006-1903
8090-8112- "
8598-10679- "

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 5, 1904.

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

Gentlemen:

The Department has considered the case involving the applications for the enrollment as citizens by blood of the Cherokee Nation, of James Lewis for himself, his wife, Sallie, and their minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis; of James Lewis for three orphan children, Jennie, John and Hattie Lewis; of Alice Chism for herself and minor children, James, Harry and Daniel Chism; of Nancy Chisholm for herself and minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm; of Sallie Chisholm for herself and minor son, John Chisholm; of Lucy Chisholm for herself; and of Rosa Chisholm for herself, submitted with your letter of May 4, 1903.

It appears, as stated in your decision of April 10, 1903, in favor of all of the applicants, that

"James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is a child of Nannie Lewis by a white man. Jennie, John and Hattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Cecil Chism, deceased, who was a Great

Indian. Nancy Chisholm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm are her children by one Shawnee Chisholm, a Creek Indian. Sallie Chisholm is a full sister to James Lewis, and John Chisholm is her child by one Willie Chisholm, a Creek Indian. Lucy Chisholm is a daughter of Sallie Chisholm; Rosa Chisholm is a daughter of Nancy Chisholm.

James, Sallie, Nannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chisholm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Hattie Lewis, James Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chisholm are identified on the Cherokee strip payment roll of 1894; Thompson, Jacob and Frank H. Lewis and John Chisholm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein who were then alive are identified on the Cherokee census roll of 1896."

You further state that James Lewis, Sallie Lewis and their children, Nannie, Jefferson, Runabout; and David Lewis; Jennie, and John Lewis; Alice Chism for herself and children, James and Harry Chism; Webster, Lizzie, Ollie and Davis Chisholm; Sallie Chisholm; Lucy Chisholm, and Rosa Chisholm, secured, as absentee Shawnees, allotments of land in the Pottawatomie country, Oklahoma; that it appears that all the applicant allottees except Alice, James and Harry Chism, relinquished, and their allotments were cancelled by the Secretary of the Interior in 1896. These allotments apparently were secured about 1890 or 1891. The allotments in Oklahoma of these allottees that have been cancelled were cancelled, it appears, because of the disavowal of the allottees of their Shawnee citizenship, and on account of their claims to Cherokee citizenship.

So far as Sallie Lewis is concerned, your decision is incorrect. She has not relinquished her allotment. The Sallie Lewis mentioned in the Indian Office letter of April 26, 1901, copy with the record in this case, as having relinquished her allotment, is not Sallie Lewis, wife of James Lewis.

It appears that the principal applicants in the several cases, excepting Lucy and Rosa Chisholm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the civil war. Lucy and Rosa Chisholm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. The evidence shows that all the applicants returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank H. Lewis, and John Chisholm, who were born subsequent to the removal of their parents to the Nation in 1893.

It is shown that all the applicants have been continuous residents of the Cherokee Nation since 1893, excepting those born subsequent to that time, they having resided in said nation continuously since birth.

It is shown that Sallie Lewis, wife of James Lewis, was readmitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof, on November 28, 1898, her children then born being minors.

Relinquishment has been made of the allotments of James and Harry Chiam, which will be disposed of herein.

Referring to Section 21 of the act of June 28, 1898 (30 Stat., 495), which provides for the enrollment of

"All persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

you held that all the applicants are entitled to enrollment, stating that it is presumed that the rights of Cherokee citizenship were

forfeited or abjured during their absence from the Cherokee Nation and Indian territory.

The Nation protests against your decision, contending that a great injustice will be done the Cherokee Nation if your decision is concurred in; that "these people were away from the Cherokee Nation for thirty years; that they left the Nation when the war commenced, took with them their effects and left nothing behind, and became citizens of the absentee Shawnee reservation in Oklahoma, where they drew money and selected lands, evaded the burdens of citizenship in the Cherokee Nation, and now seek the benefits of the funds and common property of the Cherokee Nation without having been readmitted to citizenship in that nation.

The attorney for the nation calls attention to the fact that Sallie Lewis, wife of James Lewis, was readmitted to Cherokee citizenship in 1888, but that she was required to permanently locate in the Cherokee Nation within one year as a condition to her readmission. He contends that the fact that she was readmitted proves that it was necessary for all the applicants to be readmitted; that while it is true the names of these people are upon the 1894 pay roll, the Department "is aware that the Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation."

In answer to these statements see opinion of the Assistant Attorney General of December 19, 1902, in the Benjamin F. Maxwell case, and decision of the Department of June 10, 1903, in the case of Martha Hill et al., and June 12, 1903, in the case of James W. Sherley et al.

Reporting in the matter June 8, 1903, the Acting Commissioner of Indian Affairs states that the allotment of Sallie Lewis, wife of James Lewis, in Oklahoma, was sold by her. He does not agree with your conclusion as to Sallie Lewis, Alice, James, and Harry Chism, they not having relinquished, their allotments as absentee Shawnees. He states that Sallie Lewis did not remove to the Cherokee Nation within twelve months from the time of readmission, and that furthermore, she did not relinquish her allotment as an absentee Shawnee; that part of the allotment was sold by her to W. J. Riggs and the other part to Samuel J. Scott. He recommends that your decision declaring her entitled to enrollment as a Cherokee citizen be not approved. He reports that there is before the Indian Office a deed from Alice Chism, by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of the sum of \$1100, and he holds that if she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation. He recommends, however, that Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

On November 7, 1903, the Commissioner of Indian Affairs transmitted patent number 319, issued to Tekah, or Harry Chisholm, for land in Oklahoma, with a relinquishment endorsed thereon by Alice

"Chisholm", mother and guardian of Tekah Chisholm, the consideration being -

"That the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation."

He also inclosed the affidavit and relinquishment of Alice "Chisholm", for her son Charles or James Chisholm, in which she stated that she had never received patent for his allotment as an absentee Shawnee.

It appears that on October 26, 1903, the Superintendent of the Shawnee Indian Training School transmitted to the Indian Office the patent, No. 318, issued to Charles or James Chisholm,

The Commissioner recommends that the two patents be cancelled provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

The citizenship in the Cherokee Nation of James, Harry and Daniel Chism (or Chisholm), their father being a Creek citizen, must depend upon the status of their mother. Unless she relinquishes her allotment in Oklahoma she cannot be enrolled as a Cherokee, and neither can her children. Should she, however, relinquish her allotment in Oklahoma, the allotment to her and said children, James and Harry, should no objection then appear, will be cancelled, and authority will be given for their enrollment and of Daniel Chism (or Chisholm) as Cherokee citizens.

Your decision is hereby affirmed, except as to these particular persons, and as to Sallie Lewis. The relinquishment of the allotments of James and Harry Chisholm will be held in the Indian Office awaiting further action by Alice Chism (or Chisholm.)

A copy of the Commissioner's letter of November 7, 1903, is inclosed.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

Cherokee N 1166
Cherokee N 1167

Muskogee, Indian Territory, February 18, 1904.

James Lewis,

Turley, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 10, 1903, granting, among others, your application for the enrollment of yourself, your wife, Sallie Lewis, your seven minor children, Hannie, Jefferson, Sumabunt, David, Bird, Thompson and Jacob Lewis, your grandchild, Frank H. Lewis, and for Jennie, John and Mattie Lewis, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except your said wife on February 5, 1904.

The Department's letter states that as to Sallie Lewis the Commission's decision is incorrect inasmuch as she did not relinquish her allotment as an Absentee Shawnee, but that she sold part of it to one W. J. Riggs and the other part to Samuel J. Scott.

Respectfully,

Commissioner in Charge.

Shawnee 2 1100-7-
2, 1900-01, 1900-0

Muskogee, Indian Territory, February 12, 1904.

S. J. Scott,

Attorney for James Lewis, et al.,

Woomash, Oklahoma.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Eunice, Jefferson, Hammett, David, Bird, Thompson, Jacob, Frank E., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Quinn, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chickelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Quinn.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect in as much as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a copy

from Alice Quinn for the sale of her allotment as an American
citizen for the sum of \$125.00; that if she is permitted to dispose
of this land she should not be entitled as a citizen by blood to the
American Indian, and that the father of her children being a White
Indian, they can only claim through their mother. The children of
Alice, James, Harry and Donald Quinn will not, however, be recog-
nized by the Department at this time, but will make the further claims
of Alice Quinn as to the disposition of her American Indian Allot-
ment. A copy of the Department's letter is herewith inclosed for
your information.

Respectfully,

Wm. T. Quinn

Commissioner in Charge.

Cherokee B 1144-9-
S, 1899-01, 1942-4

Mustagee, Indian Territory, February 18, 1904.

V. V. Hartings,
Attorney for the Cherokee Nation,
Sahalequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Emma, Jefferson, Hannah, David, Bird, Thompson, Jacob, Frank E., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Linnie, Gillie, Davis, Lillie, Sallie, John, Lucy and Rosa Chicklain as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect inasmuch as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a deed

from Alice Shinn for the sale of her allotment as an Abenaki
Shawnee for the sum of \$1500.00; that if she is permitted to dispose
of this land she should not be enrolled as a citizen by blood of the
Shawnee Nation; and that the father of her children being a Creek
Indian, they can only claim through their mother. The enrollment of
Alice, James, Harry and Donald Shinn will not, therefore, be approved
by the Department at this time, but will await the further action
of Alice Shinn as to the disposition of her Abenaki Shawnee allot-
ment. A copy of the Department's letter is herewith inclosed for
your information.

Respectfully,

Encl. 7-20

Commissioner in Charge.

Tuskegee, Indian Territory, July 13, 1903.

Captain V. A. Harcer,
Superintendent Indian Industrial School,
Carlisle, Pennsylvania.

Dear Sir:

This office is in receipt of your letter of May 26, 1903, with reference to the enrollment of one Mary Lewis, a pupil at your school, and inclosing therewith a copy of her letter.

In reply you are advised that this office has endeavored to communicate with her father's brother, James Lewis, relative to the rights of the said Mary Lewis. No reply has been received to our communications addressed to James Lewis, however another effort will be made and you will be notified of the results of our further inquiries.

Respectfully,

Commissioner.

James Lewis & Co., Al.

Cherokee-D-1166

" D-1167

" D-1168

Each with separate Reg^d Notice

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SECURITY, OKLA. CITY.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

C-D-1167

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Jennie Lewis

Trans. from D1167

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NOTICE

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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CONFERENCE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., MARCH 28th, 1901.

In the matter of the application of James Lewis for the enrollment of some other children, JENNIE, JOHN AND HATTIE LEWIS, as citizens of the Cherokee Nation; said Lewis being sworn and examined by Commissioner T. B. Needles, testified as follows, through Interpreter Simon R. Walkingstick:

Q What is your name? A James Lewis, about 48 years old; Turley post office.

Q What district does he live in? A Cooweescoowee.

Q Is he a full blood Cherokee? Yes, sir.

Com'r Needles:--Applicant applies for the enrollment of three Orphan Children:

Q What are their names? A Jennie Lewis, 15 years old; John Lewis, is the next one.

Q How old is John? A 12 years old; Hattie.

Q How old is Hattie? A Ten years old.

Q What is the father's name of these children? A Charles Lewis.

Q Is he living? A No, sir, dead.

Q What is their mother's name? A He says she had a Shawnee name.

Q Are these children living now? A Yes, sir.

Q Living with him? A Yes, sir, but they are going to School now.

Q Where were these children born? A They were born out in Oklahoma. Well, the last one was born in the Cherokee Nation.

Q Did Charles Lewis and his wife ever live in the Cherokee Nation?

A Yes, sir.

Q Where did he die? A He died in the Creek Country while out on a visit.

Q How long did he live in the Cherokee Nation? A Just about the same way I lived in the Cherokee Nation.

Q He states that his testimony in regard to Charles Lewis would be about the same as himself? A Yes, sir.

Q Was Charles Lewis his brother? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q About how old would Charles Lewis have been now? A He would have been about 29 or 30 years old.

Q Then Charles Lewis was born out of this country? A No, he was born up North somewhere.

Q Was not born in the Cherokee Nation? A No, sir; he was not born in the Cherokee Nation.

Q And Charles never lived in it until about eight years ago?

A Yes, sir; he didn't come here until about eight years ago.

BY COMMISSIONER NEEDLES:

Q You say Charles Lewis would be about 29 years old; he has a child 15 years old? A Yes, about 29 or 30, he says he could not state as to what his age is.

Tribal Rolls of citizens of the Cherokee Nation examined and name of these children found thereon as follows:

1894 Pay roll:

Page 233, 22836, Charles Lewis, Cooweescoowee district.

Page 233, 22836, Jennie Lewis,

Page 233, 22836, John Lewis, Cooweescoowee District.

Page 233, 22837, Hattie Lewis, Cooweescoowee District.

Com'r Needles:--The name of Charles Lewis, the father of

Jennie Lewis, et al.--2.

the children applied for, is found upon the pay roll of 1896. The names of the three children, Jennie, John and Mattie Lewis, are found upon the pay roll of 1894. Their names are not found upon the census roll of 1896, and the names of their father and mother do not appear upon the authenticated roll of 1890. Reference is here made to the case of James Lewis, D. 1166. Final judgment as to the enrollment of said children as Cherokee citizens by blood will be suspended and their names will be placed upon a doubtful card.

Q Did Charles Lewis ever take an allotment out--? A No, sir.

BY W. W. HASTINGS:

Q His wife? A His wife did.

Q These children? A Two did, I think, took allotments.

BY COMMISSIONER NEEDLES:

Q The two oldest? A Yes, sir.

Q Did they keep the allotments or did they return them? A They relinquished their land.

BY W. W. HASTINGS:

Q Did they get anything for relinquishing? A Yes, sir; they were paid for the little improvements they had.

Q All paid the same? A No, sir; different, some pretty good amounts and others small amounts.

BY COMMISSIONER NEEDLES:

Q Was he paid for his improvements? A Yes, sir; I was paid.

Q Who paid him? A This man standing here. (Referring to S. J. Scott, Applicant's Attorney.)

Q Did this man buy them or pay him as Agent? A Well, he really didn't buy it, he give me some money to help me along to get away from there.

Q What was this man's name, Scott? A Yes, sir.

S. J. SCOTT, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A S. J. Scott. (Post office, Tecumseh, O.T.)

Statement by Witness: The trust Patents issued to James Lewis and children then of age and to the children of Charley Lewis, two of them, were cancelled by the Honorable Secretary of the Interior, February 6th, 1896, based on certificates furnished to said Honorable Interior Department with the Seal of the Cherokee Nation thereon.

BY W. W. HASTINGS:

Q When did they receive these allotments? A My recollection is that these allotments were approved by the Secretary of the Interior before 1891.

Q You were an Indian Agent out there? A Yes, sir; I was a United States License Indian Trader.

Q What made you pay these men for their improvements?

Jennie Lewis, et al., vs. J.

COMMISSION TO THE
FIVE CIVILIZED TRIBES
REPLYMENT
H. I. T. V.
SS. RAM

A. These people were not going to live there and would not stay there and I knew that they were on the Cherokee roll and I knew that the government would not give them their rights; I knew that they were determined to stay on their people and knew that some one would come along and buy them.

Q. You paid them? A. I paid them to get his pay.

Q. Who got the improvements on the land? A. James H. Gill.

Q. What is he? A. He is a white man.

Q. Did he get the lands, when the allotments? No, sir, those things came up in this day, you relinquish them back to the Government and then they become public domain and then they file upon them and pay the Government the usual fees.

Q. Who filed upon these allotments? A. That is the party - Gill.

Q. Is Gill any relative to you? A. Yes, sir, he is my son-in-law. This man had eighty acres of land; the children's land was filed upon there by J. W. Lewis.

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J. S. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. S. Rossen

Subscribed and sworn to before me this 25th day of March, 1901.

W. D. Green
Notary Public

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

FILED
MAR 25 1901

 ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date March 25 1901

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Jessie Lewis Dist. 000 Year 1894 Page 233 No. 2535 Age 15

John " Dist. " Year 1894 Page 233 No. 2536 Age 12

Walter " Dist. 1 Year 1894 Page 233 No. 2537 Age 10

Dist. Year Page No. Age

Parents { John Lewis Year " Page " No. Age

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No 3 on 1894 roll as John Lewis

Make cross reference

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DEPARTMENT OF THE INTERIOR

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COMMISSIONERS:

HENRY L. DAWK,
TAMM BIRBY,
THOMAS H. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLERWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

March 3, 1902

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Jennie Lewis, et al. for enrollment as
citizen
Member of the Cherokee Nation.

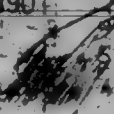
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., MARCH 25th, 1901.

In the matter of the application of James Lewis for the enrollment of himself, wife and children as citizens of the Cherokee Nation said Lewis being sworn and examined by Commissioner T. B. Needles, testified as follows, through Interpreter Simon R. Walkingstick:

Q What is your name? A James Lewis, about 48 years old; Turley post office.

Q What district does he live in? A Coowescoowee.

Q Is he a full blood Cherokee? A Yes, sir.

Q Who does he want to enroll besides himself? A Himself, wife and children.

Q What is his wife's name? A Sally.

Q Is she a Cherokee by blood? A Yes, sir; part Cherokee and Shawnee.

Q What was her name before he married her? A Ellis.

Q How old is Sally? A About 40.

Q What are the names of his children? A Nannie. 21 years old Nannie is.

Q Is she here? A No, sir; Jefferson, 18 years old; Runabout is the next one, 15 years old; David is the next one.

Q Well? A 13 years old; Bird, nine years old.

Q Well next? A Thompson, five years old; Jacob, three years old.

Q Is Sally the mother of all these children? A Yes, sir.

Q Are they all living with him? A Yes, sir.

Q Has he always lived in the Cherokee Nation himself? A He has only been in the Cherokee Nation eight years.

Q Where has he been before that? A I lived among the Shawnees out in Oklahoma.

BY S. J. SCOTT, of Teocumseh, O. T., Attorney for Applicant:

Q If he did not have a residence also in Coowescoowee district as far back as ten years ago? A Not to have a home; I really consider that my home was not; it has only been eight years that I have really had a home in that district.

BY COMMISSIONER NEEDLES:

Q Where was he born? A In Canadian District.

Q Is his name on the roll of 1880? A I think not; my wife's name is on the 1880 roll.

Q Why is not his name on the 1880 roll? A It must be from the fact that I was not located at any permanent place; I was just here and there and not in this country at that time.

INTERPRETER: He says that he was admitted by the National Council during the administration of Joel Hayes as Chief, in 1890.

BY W. W. HASTINGS, Cherokee Representative:

Q How old were you when you left the Cherokee Nation? A Why, I must have been along about eight years old.

Q Then you left the Cherokee Nation before the War? A Yes, sir; just after the commencement of the War my parents, at the breaking out of the War, went out of the Cherokee Nation and went West.

Q And you never did remove back here until about eight years ago? A Yes, sir.

Q That is true is it? A Yes, sir.

Q Where did you marry this woman? A Out there.

Q In Muskogee? A Yes, sir; we had one newspaper published there at that time.

James Lewis, et al.--2.

Q All these children born out there? A Three of our children were born in this country.

Q Ask him if the Shawnees out there in that Shawnee country did not take allotments? A Yes, sir, and I also got an allotment.

Q Got one for his wife? A Yes, sir.

Q And his children that were then born? A Yes, sir; these children that were born out there.

Q That country is a part of Oklahoma? A Yes, sir; he says that he relinquished his title to the land that they had given him; it was really, without his consent he says; he said that he belonged to the Cherokee Nation and he returned the deed to the land; returned the deed to Washington City, to the Secretary of the Interior, he says.

Q The Shawnees that took allotments down there are what are known as Absentees? A I think so; they must have been; I could not say as to what class of Shawnees they were, but they were Shawnees.

Q Are you part Shawnee yourself? A No, sir.

Q Was your mother Cherokee? A Yes, sir.

Q Your father Cherokee by blood? A Yes, sir; that is what he stated.

Tribal Rolls of citizens of the Cherokee Nation examined and Applicants' names found thereon as follows:

1894 Pay Roll:

Page 233, #2525, James Lewis, Cooweescoowee District.

Page 233, #2526, Sallie Lewis, " "

Page 233, #2527, Hannie Lewis, " "

Page 233, #2528, Jeff Lewis, " "

Page 233, #2529, Runabout Lewis, " "

Page 233, #2530 David Lewis, " "

Page 233, #2532, Bird Lewis, " "

Com'r Needles:--James Lewis applies for the enrollment of himself, his wife and seven children: His name is found upon the pay roll of 1894. The name of his wife, Sally is also found upon the pay roll of 1894. The names of his children, Hannie, Jefferson, Runabout, David and Bird, are found upon the pay roll of 1894. Applicant says that he has two other children, Thompson and Jacob, whose names do not appear upon said roll, having been born since the said roll was compiled. Their names are not found upon the authenticated roll of 1890, neither do they appear upon the census roll of 1896. By reason of the facts as to the citizenship of said James Lewis, his wife and family, final judgment as to the enrollment of said parties will be suspended and their names will be placed upon a doubtful card. It will be necessary for him to file with this Commission satisfactory proof of birth as to his two younger children, Thompson and Jacob.

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J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

subscribed and sworn to before me this 26th day of March, 1901.

J.O. Rosson

Wm. P. Balliet

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... the testimony and observations in the above cases, and that the
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... in the case.

... the evidence now on record. ... the ...
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 29, 1902.

In the matter of the application of Jennie Lewis for the enrollment of herself, brother and sister as citizens of the Cherokee Nation.

Applicant represented by S. J. Scott.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 1902, that the application of Jennie Lewis for the enrollment of herself, brother and sister as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902. The applicants appear by their attorney, S. J. Scott.

COMMISSION: Is there any statement you desire to make relative to this case?

MR. SCOTT: I desire to file a written statement, termed brief, in regard to this case, also I have got attached there certificate of marriage.

NANCY CHISHOLM, being first duly sworn, testified, through official interpreter, S. R. Walkingstick, as follows:

COMMISSION: What is your name? A Nancy Chisholm.

Q How old are you? A 45 years old.

Q Do you know Charley Lewis and his wife, Alice Lewis? A Yes, sir.

Q How long did you know them before they died? A Charley Lewis is my brother.

Q Well, were you present when he was married to Alice? A Yes, sir, I was present.

Q Did they live together as man and wife up until the time they died? A Yes, sir.

MR. HASTINGS: Was either of them married before? A No, sir.

Q Charley or his wife never been married before? A No, sir, neither had been married prior to that time.

Q Who married them? A Just in the presence of witnesses.

Q Didn't have any marriage ceremony? A No, sir.

COMMISSION: Were you one of the witnesses? A Yes, sir, I was one of the witnesses.

MR. SCOTT: You know that Shoccoe people appointed a committee of ten known as the Absentee Shoccoe Business Committee, the chairman, I have his statement under oath before a notary public, and it looks to me like it ought to be evidence that they were married. I would like for it to be filed with the papers.

COMMISSION: Mr. Scott, the Commission does not admit testimony by affidavit. It is strictly against the rules of the Commission to admit affidavits; you have proved the very thing now that you want to prove by this man.

JAMES LEWIS, being first duly sworn, testified, through official interpreter S. R. Walkingstick, as follows:

COMMISSION: What is your name? A James Lewis.

Q How old are you? A 45 years old.

Q What do you know about Charley Lewis? A Nothing.

Q Were you acquainted with Charley Lewis before he died? A Yes.

Q How long you were acquainted? A About 20 years.

Q Did you know his wife, Alice? A Yes, sir, I knew her.
Q Were you present when they agreed to live together as man and wife? A Yes, sir, I was present.
Q Did they live together as man and wife up until the time they died or one of them died? A Yes, sir, the woman died first.
Q They lived together up until that time, did they? A Yes, sir.
Q Were either of them ever married before? A Neither one had been married prior to that time.
Q These children, Jennie, John and Arthur, were born while they were living together as man and wife? A Yes, sir.

MR. HAWKINS: I would like to ask him what was the blood of the mother, is she Cherokee, Shawnee, Creek, or what? A She was half Cherokee and half Shawnee.

Q Was she a recognized citizen out there, Shawnee? A I think she was recognized as a Shawnee.

COMMISSIONER: In behalf of the applicants you submit the case to the Commission?

MR. SCOTT: Yes, sir.

The agent for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant files brief in the case.

I, Arthur A. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur A. Croninger

COPY.

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

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In the matter of the application of James Lewis et al.,
for enrollment as citizens of the Cherokee Nation, consolidating
the applications of:

James Lewis et al.,	Cherokee D-1166,
Jennie Lewis et al.,	" D-1167,
Alice Chism et al.,	" D-1168,
Nancy Chisholm et al.,	" D-1200,
Sallie Chisholm et al.,	" D-1201,
Lucy Chisholm,	" D-1248,
Rosa Chisholm,	" D-1249.

DECISION.

♦ ♦ ♦ ♦ ♦

The record herein shows that applications were made to this Commission, for enrollment as citizens of the Cherokee Nation, by James Lewis for himself, his wife, Sallie, and their minor children, Fannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank N. Lewis, as citizens by blood; by said James Lewis for three orphan children, Jennie, John and Mattie Lewis, as citizens by blood; by Alice Chism for herself and her three minor children, James, Harry and Daniel Chism, as citizens by blood; by Nancy Chisholm for herself and her minor children, Webster, Lizzie, Gile, David and Lillie Chisholm, as citizens by blood; by Sallie Chisholm for herself and her minor son, John Chisholm, as citizens by blood; by Lucy Chisholm for herself as a citizen by blood, and by Rosa Chisholm for herself as a citizen by blood of the Cherokee Nation.

The evidence shows that James Lewis is a full blood Cherokee Indian, that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Fannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank N. Lewis, the principal applicant's grandson, is the child of Fannie Lewis by a white man. Jennie, John and Mattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Paul Chism, deceased, who was a Creek Indian. Nancy Chisholm is a full sister to James Lewis and her children, Webster, Lizzie, Gile, David and Lillie Chisholm are her children

by one Shawnee Chishelm, a Creek Indian. Sallie Chishelm is a full sister of James Lewis, and John Chishelm is her child by one Willie Chishelm, a Creek Indian. Lucy Chishelm is the daughter of Sallie Chishelm; Rosa Chishelm is a daughter of Nancy Chishelm. James, Sallie, Fannie, Jefferson, Bunabout, David, Jennie and John Lewis, Alice Chiam, Nancy, Webster, Ollie and Davis Chishelm are identified on the Cherokee census roll of 1890 and the Cherokee Strip payment roll of 1894; Bird and Mattie Lewis, James, Harry and Daniel Chiam, Lissie, Lillie, Sallie, Lucy and Rosa Chishelm are identified on the Cherokee Strip payment roll of 1894; Thompson, Jacob and Frank N. Lewis and John Chishelm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein, who were then alive, are identified on the Cherokee census roll of 1890.

The evidence further shows that James Lewis for himself, his wife Sallie, and their minor children, Fannie, Jefferson, Bunabout and David Lewis; Jennie and John Lewis, children of one Charles Lewis, deceased; Alice Chiam for herself and her minor children, James and Harry Chiam; Shawnee Chishelm for his minor children, Webster, Lissie, Ollie and Davis Chishelm; Sallie Chishelm for herself; Lucy Chishelm for herself and Rosa Chishelm for herself, secured, as absentee Shawnees, allotments of land in the Pottawatomie country. It appears that all the applicant allottees, excepting Alice, James, and Harry Chiam, relinquished, and their said allotments were cancelled, by the Secretary of the Interior in 1896.

The evidence further shows that the principal applicants in the several cases herein, excepting Lucy and Rosa Chishelm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the war of the rebellion. The said Lucy and Rosa Chishelm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. It further appears that all the applicants herein returned to the Cherokee Nation for the first time in 1891, excepting Thompson, Jacob and Frank N. Lewis and John Chishelm, who were born subsequent to the removal of their parents to said nation in 1891. It further appears that all the applicants herein have been continuous residents in said nation since that time, excepting those born subsequent, they having resided in said nation continuously since birth.

The evidence further shows that Sallie Lewis, the wife of James Lewis, was admitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof on November 24, 1890, her children then born being minors.

Section 2 of the act of Congress approved June 25, 1890 (30 Stat., 495), provides for the enrollment of all persons now living whose names are found upon the 1890 authenticated roll and their descendants born since the date of said roll,

and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; . . .

The construction in the matter of their several applications was accomplished through an interpreter, speaking the Cherokee and English language. It is presumed that the rights of Cherokee citizenship were not forfeited or injured during their absence from the Cherokee Nation and Indian Territory.

It is, therefore, the opinion of this Commission that James Lewis, Nellie Lewis, Annie Lewis, Jefferson Lewis, Humbert Lewis, David Lewis, Bird Lewis, Thompson Lewis, Jacob Lewis, Frank E. Lewis, Jennie Lewis, John Lewis, Mattie Lewis, Alice Chism, James Chism, Harry Chism, Daniel Chism, Susan Chisholm, Webster Chisholm, Annie Chisholm, Willie Chisholm, Billie Chisholm, Lucy Chisholm, Rosa Chisholm, Nellie Chisholm and John Chisholm, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section 21 of the act of Congress approved June 22, 1906 (34 Stat., 405), and it is so ordered.

Commission to the Five Civilized Tribes

(Signed) John E. Ritz
Chairman.

(Signed) J. E. Vestley
Commissioner.

(Signed) C. E. Frydholm
Assistant Commissioner.

(Signed) J. E. Ritz
Commissioner.

Office of the Commissioner, I.T.C.

Date Apr 19 1908

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COMMISSIONERS
HENRY L. DAWES,
TANS BREST,
THOMAS S. NEEDLES,
C. R. BRANCHRIDGE

ALLISON L. AVLEGGUWHY
SECRETARY

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

RECORDED - 2-22-02

Muskogee, Indian Territory, March 1,

1902.

Mr. James Lewis,

Turley, Indian Territory,

Sir:-

You are hereby notified that the application of **Jennie, John and Hattie Lewis**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 20, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with the certificate of marriage of the parents of these children.

Copy to E. J. Scott,
Tombah, Oklahoma,
Register.

Yours truly,

ALLISON L. AVLEGGUWHY
SECRETARY

Cherokee B-1166-
1167-1168.

Vinita, Indian Territory, January 2, 1903.

S. J. Scott,

Attorney for James Lewis, et al.,

Tecumseh, Oklahoma.

Dear Sir:-

The Commission is in receipt of your letter of December 22, asking what disposition has been made of the applications of James Lewis, et al., Jennie Lewis, et al. and Alice Chism, et al., for enrollment as citizens of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision as to the right of these applicants to enrollment.

In the case of James Lewis, et al., a certified copy of an Act, claimed to have been passed by the Cherokee National Council re-admitting this applicant to citizenship about the year 1890, is required, also further evidence as to the citizenship of the parents of James Lewis and as to his residence in the Cherokee Nation.

Evidence is also required as to the citizenship of the parents of Jennie Lewis, et al., and as to the citizenship of the parents of Alice Chism, and as to her residence.

S. J. 2-8.

It will be necessary that this evidence be presented to the Commission before the rights of these persons to enrollment can be finally determined.

Respectfully,

Acting Chairman.

R.P.

Refer in reply to
the following:
Land
1884-1903.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, January 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to forward herewith a communication from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 12, 1903, in the matter of the application of James Lewis, et al., for enrollment as citizens of the Cherokee Nation now pending before the Commission.

The Chairman encloses copy of letter from Superintendent Thackery giving a list of members of the Lewis and Whishelm families who were allotted with the Absentee Shawnees.

The Chairman states that nearly all of the parties mentioned in said letter are applicants for enrollment as citizens by blood of the Cherokee Nation, and all of them except Sally Lewis No. 232, allege that they returned the patents to their allotments, which patents were cancelled and they relinquished all right and title in and to said allotments and returned to the Cherokee Nation some ten years ago.

He recommends that the Department advise the Commission whether it has any record of the cancellation of the patents and the relinquishment of the allotments as to the other persons named, in order that the same may be made to appear of record in the application of such parties now pending before the Commission.

The records of this office show that the following allotments, of those mentioned, were relinquished and that the patents therefore were cancelled by the Department February 5, 1886;

No. 231, Jim Lewis,

No. 235, Ah-nah-que-se-mo, or James Lewis.

The following patents, the names of the allottees not being included in Superintendent Thackery's letter, were cancelled at the same time;

No. 233, Nannie Lewis,

No. 234, Jephtha Lewis,

No. 238, Martin Lewis,

No. 314, Nellie Lewis,

No. 43, Nah-tah-wa-pea-se, or Mrs. Charles Lewis,

No. 46, Nel-la-la-mak,

No. 47, Nah-he-se-mo.

In an affidavit accompanying the relinquishments James Lewis made affidavit that his children, Nannie Lewis, Jephtha Lewis, Martin Lewis and Ah-nah-que-se-mo, or James Lewis, allotted on Absentee Rolls, were the same persons as those entitled on the census rolls of the Cherokee Nation and who had been paid their per capita payments as citizens by blood, under the following names:

Nannie Lewis, Jeff Lewis (the same as Jephtha) Barnabert Lewis, (the same as Martin) and David Lewis (the same as Ah-nah-que-se-mo or James Lewis).

Charles Lewis made affidavit that he was the husband of

Eah-tah-un-pea-se, or Alice Lewis (No. 45); that they had two children, then minors, Mel-la-la-mah or Jennie Lewis and Eah-ho-se-mo, or John Lewis, each of whom was allotted as an Absentee Shawnee; that his wife and minor children, as well as himself, were on the census roll of the Cherokee nation as citizens by blood at the time the allotments were made; and that each of them had received per capita payments from the Cherokee Nation.

James and Charles Lewis made joint affidavit that their mother, Che-go-noll Lewis, was a full-blood Cherokee Indian and that she held an allotment as a Shawnee under the name of Nellie Lewis (No. 314).

The following allotments of these mentioned, were relinquished and the patents therefor were cancelled September 14, 1896:

No. 37, Mary Chisholm,

No. 307, Shawnee Chisholm.

Each of these two patentees relinquished because they were citizens of the Creek Nation.

No. 308, Lucy Chisholm,

No. 309, Ke-ke-lan Chisholm,

No. 310, Lizzie Chisholm,

No. 311, Thurman Chisholm,

No. 312, Ollie Chisholm,

No. 313, Samuel Chisholm.

Each of the last six patents were relinquished by Nancy L. Chisholm, mother and natural guardian, on the ground that each

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allottee was a citizen of the Cherokee Nation.

No. 266, Sallie Chisholm.

It was stated that this allottee was a citizen of the Creek Nation.

The following patents, the names of the allottees not being indicated in Superintendent Teachery's letter, were cancelled at the same time:

No. 312, Sallie Lewis.

No. 316, Lucy Chisholm.

No. 316 was relinquished by Sallie Lewis, mother and natural guardian. It was stated that Sallie Lewis and Lucy Chisholm were citizens of the Cherokee nation.

Patent No. 276, Jennie Chisholm was cancelled September 2, 1896, it having been relinquished by Susie Gnah-shah, nee Tomshawk, No. 308, mother and natural guardian, for the reason that the patentee held an allotment at the Quapaw Agency as an Eastern Shawnee. The mother's patent was also cancelled for the same reason.

Of the other parties mentioned in the letter of Superintendent Teachery, the records show that Susan Lewis, No. 43, and Lester Lewis, citizen Pottawatomie Allottee No. 223 have sold all of their respective allotments.

The allotments of Esther Chisholm, Absentee Shawnee No. 22, and Wesley Lewis, No. 222, Eva B. Lewis No. 223, Charles Lewis, 225, Guss Lewis 226, Flora Lewis 227, and Edward Lewis 228, citizen Pottawatomie, have not been sold cancelled.

The allotments of Waw-tha-yee-at Chisholm No. 208 and
Ma-ee-la-see-at Chisholm No. 207, daughters of Wesley Chisholm,
No. 208, have not been sampled.

It is recommended that the enclosed copy of this letter be
forwarded for the information of the Commission.

Very respectfully,

A. O. TOMPKINS,

Acting Commissioner.

JT.A.

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D.C. 3161-1903.

DEPARTMENT OF THE INTERIOR,

RAF.

ITD. 804-1903.

Washington, January 30, 1903.

IRS.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department is in receipt of the Acting Chairman's communication of January 12, 1903, in the matter of the application of James Lewis, et al. for enrollment as citizens of the Cherokee Nation with which was transmitted copy of a letter from the Superintendent and Special Disbursing Agent of the U. S. Indian Training School, Shawnee, O. T., from which it appears that a number of persons named therein took allotments of land among the Shawnees in Oklahoma. The Acting Chairman states that nearly all of said persons are applicants for enrollment as Cherokees, and that all, except one, allege that they returned the patents to their allotments, which were cancelled, and that they returned to the Cherokee Nation some ten years ago. He recommends that the Commission be advised whether the Department has any record of such cancellation, in order that a decision in the citizenship cases may be reached and the applications disposed of as speedily as possible.

Reporting in the matter January 27, 1903, the Acting Commissioner of Indian Affairs sets out fully the facts concerning the allotments made to the persons referred to, as disclosed by the records of the Indian Office, and he recommends that a copy of his communication be forwarded for the information of the Commission.

Each copy is inclosed herewith.

Respectfully,

THOS. HEN.

Acting Secretary.

1 inclosure.

COPY.

Cherokee No.
1100-9-8, 1200-1
& 1240-0.

Muskogee, Indian Territory, April 13, 1903.

W. V. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting the applications of: James Lewis for the enrollment of himself, his wife, Sallie, and his eight minor children, Nannie, Jefferson, Lemabent, David, Bird, Thompson, Jacob and Frank H. Lewis, and for three orphan children, Jennie, John and Mattie Lewis; Alice Chism for the enrollment of herself and her three minor children, James, Harry and Daniel Chism; Nancy Chisholm for the enrollment of herself and her five minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm; Lucy Chisholm for the enrollment of herself; Rose Chisholm for the enrollment of herself; and Sallie Chisholm for the enrollment of herself and her minor child, John Chisholm, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may

COPY

desire to make against the action of the Commission in this case,
a copy of which protest you will be required to serve upon the
applicant. If you fail to file protest within the time allowed,
this decision will be considered final.

Respectfully,

James Bixby
Chairman

Enc. 2-116

COPY:

Cherokee D-1166
D-1167

Muskogee, Indian Territory, May 4, 1903.

James Lewis,

Turley, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting, among others, your application for the enrollment of yourself, your wife Sallie, your eight minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob and Frank H. Lewis, and for the enrollment of three orphan children, Jennie, John and Hattie Lewis, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, S. J. Scott, Tecumseh, Oklahoma, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

COPY

-2-

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. W. Birby

No. X-2100

Register

COPY.

Sherokee B-
1100-9-8, 1200-4
& 1340-9.

McAlester, Indian Territory, May 4, 1903.

E. J. Scott,

Attorney for James Lewis et al.,

Tasewash, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the consolidated case of James Lewis et al., together with a copy of the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Hattie, Jefferson, Eunabent, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Hattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Ollie, Marie, Lillie, Sallie, John, Lucy and Rosa Shickel, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary

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of the Director for his review and decision. The action of the
Secretary will be made known to you as soon as the Commission
is advised of same.

Respectfully,

James Blaby.

Secretary

New York
Director

COPY.

Cherokee No.
1142-7-8, 1142-1,
& 1142-9.

Wadsworth, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Commissioner of Indian Affairs letter of February 24, 1903, (land 10472-1903), there is herewith transmitted the record of proceedings had in the consolidated case of James Lewis et al., together with the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Lillie, Hammie, Jefferson, Munchent, David, Bird, Thompson, Jacob, Frank E., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lissie, Willie, Davis, Lillie, Solie, John, Lucy and Rosa Chickels, as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tenns Bixby

Commissioner

Enc. 2-100

Through the

Commissioner of Indian Affairs

COPY

Cherokee B-
1166-7-6, 1888-1,
& 1342-9.

Waukego, Indian Territory, May 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the consolidated case of James Lewis et al., together with the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Hannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank K., Jennie, John and Hattie Lewis, Alice, James, Harry and Donald Chism, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm, as citizens by blood of the Cherokee Nation, and the protest of the Cherokee Nation against said decision, dated April 20, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Dixey.

Chairman.

Refer in reply
to the follow-
ing: Land
63874-1903
70496-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, November 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Under date of February 22, 1897, Agent Thomas of the Sac and Fox Agency, Oklahoma, returned to this office Absentee Shawnee patent No. 318, issued February 6, 1892, to Charles Chisholm for the E/2 of the SE 1/4 of S.33, T.10- N., R. 3-E., relinquished by Charles Chisholm on the ground that he was regularly enrolled as a Creek Indian. March 5, 1897, Agent Thomas was advised by this office that Charles Chisholm, allottee No. 318, was, when allotted in 1889, but four years of age and the son of Alice Chisholm, and that, therefore, the patent seemed to have been improperly delivered to Charley Chisholm. The patent was returned with an endorsement thereon showing that the relinquishment was void, with instructions to deliver the patent to Alice Chisholm, the mother of the allottee. Under date of June 8, 1903, this office referring to Departmental letter of May 18, 1903, (I.T.D.4424), relative to the application of James Lewis, et al., for enrollment as Cherokee citizens, forwarded the record in the case of James Lewis, et

al., applicants for Cherokee citizenship, which record included the application of Alice Chisholm for the enrollment of herself and her three minor children, James, Harry and Daniel Chisholm, as citizens by blood.

The record in the case showed that James Chisholm was identical with Charles Chisholm, Absentee Shawnee allottee No. 318, and Harry Chisholm with Tokah Chisholm, Absentee Shawnee allottee No. 319. In said report it was recommended that Alice Chisholm and Harry Chisholm be declared entitled to citizenship in the Cherokee Nation, upon condition that they relinquish their respective allotments as Absentee Shawnees. It was stated, however, that Alice Chisholm preferred to retain her Shawnee allotment.

Under date of October 2, 1903, the Commission to the Five Civilized Tribes returned to this office the patent, No. 319, issued to Tokah Chisholm for the W/2 of the E.E.1/4 of S. 33, T. 10- N., R. 3-E., 1. N. with a relinquishment endorsed thereon signed by Tokah Chisholm by Alice Chisholm, as mother and guardian, for the land covered thereby, the consideration being "that the said Tokah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee Band, and that the said Tokah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee in-

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dian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation." This relinquishment was executed September 8, 1896. The Commission also enclosed the affidavit and relinquishment of Alice Chisholm for her son Charles Chisholm, in which she stated that she had never received patent for his allotment as Absentee Shawnee.

October 26, 1903. Superintendent Inackery of the Shawnee Indian Training School transmitted to this office, at the request of S. J. Scott, attorney for the applicants, the patent No. 316, issued to Charles Chisholm, as above stated.

The relinquishment of Alice Chisholm, transmitted by the Commission, have been attached to this patent and is believed to be sufficient. It is recommended that the two patents be cancelled, provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

There is also forwarded the letter of the Commission to you dated October 2, 1903.

Very respectfully,

E. A. JONES,

Commissioner.

J.F.A.
E.S.R.

D. C. No. 4666-1904.

(COPY)

JP. FHE. LRS.

I.T.D. 4984-8006-1903

8090-8112- "

8598-10479- "

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 5, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the applications for the enrollment as citizens by blood of the Cherokee Nation, of James Lewis for himself, his wife, Sallie, and their minor children, Mannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis; of James Lewis for three orphan children, Jennie, John and Mattie Lewis; of Alice Chism for herself and minor children, James, Harry and Daniel Chism; of Nancy Chishelm for herself and minor children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm; of Sallie Chishelm for herself and minor son, John Chishelm; of Lucy Chishelm for herself; and of Rosa Chishelm for herself, submitted with your letter of May 4, 1903.

It appears, as stated in your decision of April 10, 1903, in favor of all of the applicants, that

"James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Mannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is a child of Mannie Lewis by a white man. Jennie, John and Mattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Cecil Chism, deceased, who was a Green

Indian. Nancy Chishelm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm are her children by one Shawnee Chishelm, a Creek Indian. Sallie Chishelm is a full sister to James Lewis, and John Chishelm is her child by one Willie Chishelm, a Creek Indian. Lucy Chishelm is a daughter of Sallie Chishelm; Rosa Chishelm is a daughter of Nancy Chishelm.

James, Sallis, Mannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and David Chishelm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Hattie Lewis, James Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chishelm are identified on the Cherokee strip payment roll of 1894; Thompson, Jacob and Frank H. Lewis and John Chishelm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein who were then alive are identified on the Cherokee census roll of 1896."

You further state that James Lewis, Sallie Lewis and their children, Mannie, Jefferson, Runabout, and David Lewis; Jennie, and John Lewis; Alice Chism for herself and children, James and Harry Chism; Webster, Lizzie, Ollie and Davis Chishelm; Sallie Chishelm; Lucy Chishelm, and Rosa Chishelm, secured, as absentee Shawnees, allotments of land in the Pettawatonic country, Oklahoma; that it appears that all the applicant allottees except Alice, James and Harry Chism, relinquished, and their allotments were cancelled by the Secretary of the Interior in 1896. These allotments apparently were secured about 1890 or 1891. The allotments in Oklahoma of those allottees that have been cancelled were cancelled, it appears, because of the disavowal of the allottees of their Shawnee citizenship, and on account of their claims to Cherokee citizenship.

So far as Sallie Lewis is concerned, your decision is incorrect. She has not relinquished her allotment. The Sallie Lewis mentioned in the Indian office letter of April 26, 1901, copy with the record in this case, as having relinquished her allotment, is not Sallie Lewis, wife of James Lewis.

It appears that the principal applicants in the several cases, excepting Lucy and Rosa Chisholm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the civil war. Lucy and Rosa Chisholm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. The evidence shows that all the applicants returned to the Cherokee Nation for the first time in 1893, excepting Sampson, Jacob and Frank H. Lewis, and John Chisholm, who were born subsequent to the removal of their parents to the Nation in 1893. It is shown that all the applicants have been continuous residents of the Cherokee Nation since 1893, excepting those born subsequent to that time, they having resided in said nation continuously since birth.

It is shown that Sallie Lewis, wife of James Lewis, was readmitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof, on November 28, 1893, her children then born being minors.

Relinquishment has been made of the allotments of James and Harry Chism, which will be disposed of herein.

Referring to Section 21 of the act of June 28, 1898 (30 Stat., 495), which provides for the enrollment of

"All persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

you held that all the applicants are entitled to enrollment, stating that it is presumed that the rights of Cherokee citizenship were not

forfeited or abjured during their absence from the Cherokee Nation and Indian territory.

The Nation protests against your decision, contending that a great injustice will be done the Cherokee Nation if your decision is concurred in; that "these people were away from the Cherokee Nation for thirty years; that they left the Nation when the war commenced, took with them their effects and left nothing behind, and became citizens of the absentee Shawnee reservation in Oklahoma, where they drew money and selected lands, evaded the burdens of citizenship in the Cherokee Nation, and now seek the benefits of the funds and common property of the Cherokee Nation without having been readmitted to citizenship in that nation.

The attorney for the nation calls attention to the fact that Gallie Lewis, wife of James Lewis, was readmitted to Cherokee citizenship in 1888, but that she was required to permanently locate in the Cherokee Nation within one year as a condition to her readmission. He contends that the fact that she was readmitted proves that it was necessary for all the applicants to be readmitted; that while it is true the names of these people are upon the 1894 pay roll, the Department "is aware that the Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation."

In answer to these statements see opinion of the Assistant Attorney General of December 19, 1902, in the Benjamin F. Maxwell case, and decision of the Department of June 10, 1903, in the case of Martha Hill et al., and June 12, 1903, in the case of James W. Sherley et al.

Reporting in the matter June 8, 1903, the Acting Commissioner of Indian Affairs states that the allotment of Sallie Lewis, wife of James Lewis, in Oklahoma, was sold by her. He does not agree with your conclusion as to Sallie Lewis, Alice, James, and Harry Chism, they not having relinquished, their allotments as absentee Shawnees. He states that Sallie Lewis did not remove to the Cherokee Nation within twelve months from the time of readmission, and that furthermore, she did not relinquish her allotment as an absentee Shawnee; that part of the allotment was sold by her to W. J. Riggs and the other part to Samuel J. Scott. He recommends that your decision declaring her entitled to enrollment as a Cherokee citizen be not approved. He reports that there is before the Indian Office a deed from Alice Chism, by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of the sum of \$1100, and he holds that if she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation. He recommends, however, that Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

On November 7, 1903, the Commissioner of Indian Affairs transmitted patent number 319, issued to Tekah, or Harry Chishalm, for land in Oklahoma, with a relinquishment endorsed thereon by Alice

"Chisholm", mother and guardian of Tekah Chisholm, the consideration being -

"That the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation."

He also inclosed the affidavit and relinquishment of Alice "Chisholm", for her son Charles or James Chisholm, in which she stated that she had never received patent for his allotment as an absentee Shawnee.

It appears that on October 26, 1903, the Superintendent of the Shawnee Indian Training School transmitted to the Indian office the patent, No. 318, issued to Charles or James Chisholm,

The Commissioner recommends that the two patents be cancelled provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

The citizenship in the Cherokee Nation of James, Harry and Daniel Chism (or Chisholm), their father being a Creek citizen, must depend upon the status of their mother. Unless she relinquishes her allotment in Oklahoma she cannot be enrolled as a Cherokee, and neither can her children. Should she, however, relinquish her allotment in Oklahoma, the allotment to her and said children, James and Harry, should no objection then appear, will be cancelled, and authority will be given for their enrollment and of Daniel Chism (or Chisholm) as Cherokee citizens.

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Your decision is hereby affirmed, except as to those particular persons, and as to Nellie Lewis. The relinquishment of the allotments of James and Harry Chickels will be held in the Indian Office awaiting further action by Alice Union (or Chickels.)

A copy of the Commissioner's letter of November 7, 1905, is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Sherokee B 1144-7-
8, 1880-81, 1848-9

Muskogee, Indian Territory, February 18, 1904.

S. J. Scott,

Attorney for James Lewis, et al.,
Tocumoch, Oklahoma.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Hennis, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect in as much as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a deed

From Alice Quinn for the sale of her allotment as an Annette
Shawnee for the sum of \$100.00, that if she is permitted to dispose
of this land she should not be entitled to a section of land of the
Shawnee Nation, and that the father of her children being a Shawnee
Indian, they can only claim through their mother. The allotment of
Alice, James, Harry and Donald Quinn will not, therefore, be acknowl-
edged by the department at this time, but will await the further action
of Alice Quinn as to the disposition of her Annette Shawnee allota-
ment. A copy of the department's letter is herewith inclosed for
your information.

Respectfully,

Encl. 7-00

Commissioner in Charge.

Waskagee, Indian Territory, February 18, 1904.

V. V. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Hennie, Jefferson, Rumbout, David, Bird, Thompson, Jacob, Frank K. , Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect inasmuch as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Higgs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the commissioner of Indian Affairs a deed

from Alice Shinn for the sale of her allotment as an Absentee
Sharee for the sum of \$1100.00; that if she is permitted to dispose
of this land she should not be enrolled as a citizen by blood of the
Cherokee Nation; and that the father of her children being a Creek
Indian, they can only claim through their mother. The enrollment of
Alice, James, Harry and Daniel Shinn will not, therefore, be approv-
ed by the Department at this time, but will await the further action
of Alice Shinn as to the disposition of her Absentee Sharee allot-
ment. A copy of the Department's letter is herewith inclosed for
your information.

Respectfully,

Encl. V- 69

Commissioner in Charge.

Cherokee D 1166
Cherokee D 1167

Muskegee, Indian Territory, February 18, 1904.

James Lewis,

Turley, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 10, 1903, granting, among others, your application for the enrollment of yourself, your wife, Sallie Lewis, your seven minor children, Mennie, Jefferson, Runabout, David, Mird, Thompson and Jacob Lewis, your grandchild, Frank N. Lewis, and for Jennie, John and Hattie Lewis, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except your said wife on February 8, 1904.

The Department's letter states that as to Sallie Lewis the Commission's decision is incorrect inasmuch as she did not relinquish her allotment as an Absentee Shawnee, but that she sold part of it to one W. J. Riggs and the other part to Samuel J. Scott.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 10, 1905.

Commissioner

of Indian Affairs,

Sir:

This office is in receipt of your letter of October 3, in further reference to the citizenship status and enrollment on the Cherokee tribal rolls of Jennie, John and Nattie Lewis, and of their deceased parents, Charles and Alice Lewis. You state that the land allotted to these parties as members of the Absentee Shawnee tribe was relinquished in 1896 upon evidence going to show that the parties named were enrolled as members of the Cherokee Nation; that when the relinquishments to the Absentee Shawnee allotments were accepted the evidence consisted of a certificate of W. M. Hayes, Assistant Executive Secretary of the Cherokee Nation, dated January 8, 1896, to the effect that they were on the Cherokee census roll, Coowescoowee district, as citizens of that Nation by blood, as per the Act of the National Council of April 15, 1893, and that some question has arisen as to the correctness of the action taken in accepting the relinquishments. You ask to be advised whether or not Charles Lewis, his wife Alice Lewis, and children above named, appear upon the roll referred to.

or upon any other roll of the Cherokee Nation.

In reply you are advised that after an examination of the record in the matter of the application for the enrollment, as citizens of the Cherokee Nation, of Jennie, John and Hattie Lewis, children of Charles and Alice Lewis, both deceased, (formerly Cherokee case D 1167), which case was consolidated with, among others, that of James Lewis, a brother of Charles Lewis, (formerly Cherokee D 1166), Charles Lewis and his children, Jennie, John and Che-wan (shown by the record to be identical with Hattie) Lewis, are identified upon the Cherokee census roll of 1893 referred to in the certificate of the Assistant Executive Secretary of the Cherokee Nation above referred to, said roll being made under the authority of an Act of the Cherokee National Council approved April 15, 1893, opposite Nos. 1630 to 1633, inclusive, Cooweescoowee district, as native Cherokees, aged at that time 27, 7, 4 and 2 years respectively. It is shown by the records that Alice Lewis, whose Indian name is shown to have been Wah-tah-wa-pea-se, died in May, 1892, and her name cannot, therefore, be identified on the Cherokee roll of 1893, or any roll made subsequent to that time. The mother of Charles Lewis, Che-ge-palar, a native Cherokee, 72 years of age, is also identified upon the Cherokee roll of 1893, opposite No. 1629, Cooweescoowee district,

Charles Lewis is identified on the 1890 Cherokee census roll, Cooweescoowee district, opposite No. 1101, as Chee-er-ni-ah.

Lewis, a native Cherokee, 25 years of age. His wife, Alice Lewis, and children, Jennie and John Lewis, are also identified on said roll opposite Nos. 3102, 3103 and 3104, as native Cherokees, aged at that time 20, 2 and 1 years, respectively.

Charles Lewis is identified on the 1890 Cherokee pay roll by right of Cherokee blood, Cooweescoowee district, page 99, as Chee-cor-minta Lewis. His wife, Alice Lewis, and children, Jennie and John Lewis, are also identified on said roll page 99. All names appearing on this roll are unnumbered.

The record in the matter of the application for the enrollment of Jennie, John and Hattie Lewis shows that they are identified on the 1894 Cherokee strip payment roll, page 233, opposite Nos. 2535, 2536 and 2537, Cooweescoowee district, as Jennie, John and Che-san Lewis. Their father, Charles Lewis, is also identified on said roll, page 233, No. 2538, as well as his mother, Che-gooneker, she being identified thereon on the same page and opposite No. 2534.

The names of none of these parties can be identified on any of the Cherokee tribal rolls made prior to 1890.

Respectfully,

LS

Commissioner.

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Cher 10381

Nancy Chisholm

Trans. from D1280

Cher 10381

1280

THE HAZLING: THE AND THE HAZLING...
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T., March 20, 1902.

Applicant represented by S. J. Scott.

In the matter of the application of Nancy Chisholm for the enrollment of herself and children as citizens of the Cherokee Nation; she being duly sworn testified before the Commission as follows:

Through official interpreter, S. R. Walkingstick.

- Q What is your name? A Nancy Chisholm.
Q How old are you? A About 45 years old.
Q What is your postoffice address? A Turley.
Q What district in the Cherokee Nation are you living in?
A Cooweescoowee.
Q Do you wish to make application for enrollment as a Cherokee by blood? A Yes, sir.
Q Do you apply for anyone besides yourself? A Well, myself and six children.
Q Are you a Cherokee full-blood? A Yes, sir.
Q What is the name of your oldest child, and how old is it? A Lucy.
Q How old is Lucy? A She is 22 years old.
Q Is she married? A No, sir.
Q Is she living at home with you? A Yes, sir, living with me.
Q Why does not she appear before the Commission herself? A Well, I don't know, I just simply left her at home to take care of the home place.
Q She is well enough to appear before the Commission is she? A No reason in the world, she is in perfect health, good health.
Q It will be necessary for her to appear and make application in her own behalf because she is of age. What is the name of the next child?
A Webster.
Q How old is he? A 12 years old.
Q Is his name Webster Chisholm? A Yes, sir. Lissie, 16 years old is the next one; Ollie, 14 years old, is the next one; Davis is the next one, about 12 years old.
Q Next child? A Lillie, 9 years old.
Q Is that all, just these five children, that are under 21 years of age? A That is all, except the other one.
Q Are they all living? A Yes, sir.
Q Are they all living at home with you? A Yes, sir.
Q Who is the father of these children? A Shawnee Chisholm.
Q Is he living or dead? A He is present here.
Q Is he a Cherokee? A He is a Creek.
Q Does she apply for him as a Cherokee? A No, sir, I think not.
Q Has he been recognized as a citizen of the Creek Nation? A Yes, sir.
Q Did you ever make application to have any of these children enrolled as Creeks? A Yes, sir, I think application has been made for their enrollment as Creek citizens, but they were told that they ought to be on the Cherokee roll.
Q Did you ever draw any money for these children as Creeks? A No, sir.
Q Did your husband ever draw any money for the children? A No, sir.
Q Did you apply to this Commission for the enrollment of these children as citizens of the Creek Nation or to the tribal authorities of the Creek Nation? A Before this Commission.
Q Have they ever been recognized by the tribal authorities of the Creek Nation as citizens? A I think not.
Q Have they ever been enrolled by the tribal authorities of the Creek Nation as citizens? A No, sir.
Q Did they ever draw any money from the tribal authorities of the Creek Nation? A No, sir.
Q Where were you born? A I was born in the Cherokee Nation.
Q How long did you continue to reside here after your birth? A Why we left at the commencement of the Civil War.

Q Where did you go? Q We went north I think.

Q Well, how long did you remain away from the Cherokee Nation?

A I must have been out about 25 years.

Q Where did you come to, did you come back to the Cherokee Nation then? A Yes, sir, I returned to the Cherokee Nation.

Q Do you know in what year you came back to the Cherokee Nation? A I think my sister knows.

MR. HASTINGS, Cherokee Representative: How many years ago?

A It has been about 8 years.

COMMISSION: Well, didn't you at one time take a reservation in the Pottawatomie Agency? A No, sir, I never taken any allotment out there, I lived there but never taken no allotment.

Q Well, is it not a fact that you took an allotment and that you afterwards relinquished it? A No, I never took no allotment, but I think my hus and did for himself.

Q Did he take an allotment for your children? A Yes, sir, but they relinquish' it.

Q For the past nine years you have made your home continuously in the Indian Territory? A Yes, sir.

Q Have you been out of the Territory within the past four years for any purpose? A Yes, sir, I think about four years ago I went out a little while, out in the Creek Nation.

Q Have you been outside of the Territory within that time? A No, sir, I never have been out.

Q What was your father's name? A Lewis Lewis.

The authenticated roll of 1880 examined and the name of Nancy Chisholm or Nancy Lewis does not appear of record thereon.

The Census Roll of 1898 examined and neither the applicant nor her children are identified thereon.

Q Was this child Webster ever known by any other name than Webster? A Ezekiel.

Q Well, under what name do you desire to have him enrolled? A Yes, sir, his Cherokee name is Ezekiel.

Q Under what name do you desire to have the child enrolled? A Webster.

1894 roll, page 185, No. 1082, Nancy L. Chisolm, Cooweescoowee District.

1894 roll, page 185, No. 1084, Ezekiel Chisolm, Cooweescoowee District.

1894 roll, page 185, No. 1085, Lizzie Chisolm, Cooweescoowee District.

1894 roll, page 185, No. 1086, Arle Chisolm, Cooweescoowee District.

Q Was this child Davis ever known by any other name than the one you gave? A Tuxie, that is his Indian name.

Q Do you desire to have him enrolled as Tuxie or Davis? A Davis.

1894 roll, page 185, No. 1087, Tuxie Chisolm, Cooweescoowee District.

Q Was Lillie ever known by any other name than the one you gave?

A That's Lillie, that's her Indian name, is the name that appears there.

Q Well, how do you want her enrolled, under what name? A Lillie.

1894 roll, page 185, No. 1088, Co-li-ehy Chisolm, Cooweescoowee District.

MR. W. W. HASTINGS, Cherokee Representative: Where are you living now? A Living just about a quarter of a mile from Tarley Postoffice.

Q How long have you been living there? A Been living there about three years.

Q Where did she come from there, come from when she moved up there?

Q My I, came from near Will Rogers's.

Q Well, she had been living out in Chisholm, hadn't she? A Yes,

sir.

Q When did she go to Oklahoma? A Why we had been living there prior to the time the lands were allotted out there.

Q Well, how long had she been living there? A Well, from the time we had left the Cherokee Nation at the commencement of the Civil War.

Q You lived out there? A Yes, sir.

Q Did you ever live in Kansas? A Why we stayed in Kansas all during the war.

Q It was after the war, then, she went down there? A Yes, sir.

Q How long after the war? A I am not able to state, I was very small at the time.

Q Does she remember it? A Yes, sir, I remember that when we left the state of Kansas we went west, in a westerly direction.

Q Well, who got her land after she relinquished it? A That that she relinquished for her children out there?

Q Who settled on it? A I think it is this man that's standing here. I don't know with any certainty.

Q Well, is that your information? A No, sir, I don't know. I don't know who got it, there was a white man living on it though.

MR. SCOTT: Did you understand this question that was put to you by the representatives of the Cherokee Nation here? A No, sir, I have no information that this man is the man that got the land. She don't know it from any information she has obtained.

MR. HASTINGS: What is your husband's name? A Shawnee Chisholm.

Q Is he a Shawnee by blood? A He is Creek by blood.

Q He is a Creek by blood, is that right? A Yes, sir. That is his name, though, is Shawnee Chisholm.

SHAWNEE CHISHOLM, being first duly sworn, testified as follows:

Through official interpreter, S. R. Walkingstick.

COMMISSION: What is your name? A Shawnee Chisholm.

Q How old are you? A About 45.

Q Where do you live? A I live at Turley.

Q Can you speak the Cherokee language, do you speak the Creek language? (No response.)

COMMISSION (To Mr. Scott): Well, do you desire to ask him any questions?

MR. SCOTT: I desire to ask him some because there has been some little cloud been thrown by you people as to who got this land, and I would like to have some light in regard to who got the land.

MR. HASTINGS: Is this your wife? A Yes, sir.

Q Did she or the children take an allotment out yonder in Oklahoma? A Yes, sir.

Q Did you relinquish it? A Yes, sir.

Q Who got the land after you relinquished it? A I don't know who got it.

Q You don't know who lived on it afterwards? A No, sir.

Q You don't know that? A No, sir.

Q Well, did two fellows by the name of Snawder live on it? A Yes, sir, they lived on it.

MR. SCOTT: Did you know who bought it or rented it or took it up? A I don't know that.

Q Who owned it or who got the deed to it? A I don't know who got the deed.

COMMISSION: When were you married to this woman? A About 25.

Q 25 years ago? A Yes, sir.

COMMISSION (To Mr. Scott): Do you want to ask any questions of the applicant?

MR. SCOTT: I would like to know that the testimony wherein that you inquired there at one time about the payment that she got from the Creek Nation.

COMMISSION: She was asked whether she had ever drawn any money for these children from the tribal authorities of the Creek Nation.

MR. SCOTT: Now, I would desire to ask her if she didn't—I want to ask her if she didn't receive moneys from the Cherokee Nation? (Of applicant): How many payments did she receive here, one or two, at different times? A In three payments.

Q I simply want to make the record like the record really shows, the transcript of the Department. Now I would like to ask her another thing right there. Ask her if she remembers how long it was ago when I was U. S. licensed trader at Old Shawnee Town. I was out there sixteen years ago, I didn't want to tell her, I wanted to know whether she recollected it or not.

A Something like 17 years, or probably longer than that, probably 20 years.

Q It is an important point right there, if you please, Mr.—(Referring to Mr. Reuter.) Did she and her husband not make frequent trips from that time until the allotments were made to the Cherokee Nation. She never missed a payment, I know that much.

A Yes, sir.

Q They made frequent trips before the allotments were made to the Cherokee Nation. Now I would like to ask the direct question, if she wasn't living with her husband and children in the Cherokee Nation at the time those allotments were cancelled? A Yes, sir.

MR. HASTINGS: When were they cancelled? A In the year 1896.

Q When you was making those visits up in the Cherokee Nation you had lived down yonder in Oklahoma? A Yes, sir.

Q Who did you go to Oklahoma with first from Kansas after the war?

A I went with my father and mother.

Q Well, did a pretty good crowd go along at the same time? A Just two families my family and another family went along.

Q Did she go down there before or after those Shawnees went down there? A Think they must have been out there, I don't remember, then I was quite small.

Q Well, wasn't those Shawnees out there when she went out there?

A There wasn't any Shawnees at the place where we went to, but there must have been east of us there somewhere.

Q Does she speak the Shawnee language? A No, sir.

Q From what place in Kansas did they go down there? (No response.)

MR. SCOTT: Did you not live continuously in Cooweescoowee District for the last nine years? A Yes, sir, continuously.

Q Didn't the man who represented the Dawes Commission leave you a land certificate on the land on which you now reside?

MR. HASTINGS: The representatives of the Cherokee Nation object to this question, for the reason that not a single land certificate giving a patent and right to occupy a single tract of land has been given up to this date to a single citizen of the Cherokee Nation. If any number of sections has been left with any person it has simply been a matter of courtesy to show them the number or section upon which they reside.

MR. SCOTT: There's one thing that ought to appear upon this record here. There is one additional point in the testimony. What is the reason that you didn't come here with Jim Lewis and your sister one year ago at the time that they made application for enrollment? A My family were sick, we were all down with the smallpox at the time.

COMMISSION: Nancy Chisholm applies for the enrollment of herself and her five children, to wit—Webster, Lizzie, Ellie, Davis and Billie Chisholm, as citizens by blood of the Cherokee Nation. The applicant swears that she is a full-blood, and that her husband, Shawnee Chisholm, is a citizen of the Creek Nation. The applicant claims that she was born in the Cherokee Nation and left the nation during the war, and that for the past nine years she has been making her home continuously in the Cherokee Nation, as have her children. The applicant is not

identified on the authenticated Cherokee roll of 1880. Neither she nor her children are identified on the Cherokee Census Roll of 1896. The applicant and all of her children mentioned in the testimony are duly identified upon the Cherokee strip payment roll of 1894. By reason of the fact that the applicant and her children are identified only on the Cherokee strip payment roll, final judgment as to their enrollment will be suspended and their names will be placed on a doubtful card. The applicant will be notified at a later date of the Commission's decision in writing.

MR. SCOTT: Before the Commission to the Five Civilized Tribes, Muskogee, I. T., March 20, 1902. Nancy L. Chisholm, nee Lewis, hereby makes application for herself and children as follows: Webster Chisholm, Lizzie Chisholm, Ollie Chisholm, Davis Chisholm and Lillie Chisholm. She most earnestly asks that this application be made of record, and that her claims for citizenship be considered with the cases Cherokee D. 1167 and D. 1168, my brother and sister. That my application would have been made for myself and children on March 25th with the others but for severe sickness, which I reported at that time, my entire family having smallpox. I most earnestly call the attention of your Commission to a report of the Honorable Commissioner of Indian Affairs filed in your office May 14, 1901, wherein my rights and those of my children were most thoroughly investigated as to Cherokee citizenship by Col. D. M. Wisdom, U. S. Indian Agent. You will note in said report that the relinquishments of the absentee Shawnee trust patents of myself and said children had been forwarded through the Sac and Fox Agency, was referred to Col. D. M. Wisdom for investigation, and upon whose recommendation we were termed citizens of the Cherokee Nation, and said patents cancelled by the Honorable Secretary of the Interior September 14, 1896. See said report on file for further particulars. I was residing with my children in Coovescoowee District at the time of the said cancellation of patents, and have resided there in good faith for the past nine years, and that your Commission left with me the numbers of land and patent of same on which I now reside.

COMMISSION: The record in this case is now deemed completed and will be reported to the Commission for a final decision based upon the evidence now of record

NANCY CHISHOLM, recalled:

MR. HASTINGS: What was your father's name? A Lewis Lewis.
Q What was your mother's name? Nellie Lewis.

---:---

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

CHEROKEES BY BLOOD AND ADOPTION

Date

3/20, 1902

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Nancy K. Johnson - Turley, S. I.

District

Cherokee

Year 1894

Page 165

No. 1084

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

1	Abster Johnson	1894	Page 165	No. 1084	Age 18
2	Rizzie	1894	Page 165	No. 1085	Age 16
3	Olga	1894	Page 165	No. 1086	Age 14
4	Davis	1894	Page 166	No. 1087	Age 12
5	Hillie	1894	Page 166	No. 1088	Age 9

Doubtful

101	en	1894	well as	Nancy K. Johnson	
102	"	1894	"	Frank	"
103	"	1894	"	Alie	"
104	"	1894	"	Lucie	"
105	"	1894	"	Os-li-shay	"

COPY.

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

WJS
CS

In the matter of the application of James Lewis et al.,
for enrollment as citizens of the Cherokee Nation, consolidating
the applications of:

James Lewis et al.,	Cherokee	D-1166,
Jennie Lewis et al.,	"	D-1167,
Alice Chism et al.,	"	D-1168,
Nancy Chisholm et al.,	"	D-1200,
Sallie Chisholm et al.,	"	D-1201,
Lucy Chisholm,	"	D-1240,
Rosa Chisholm,	"	D-1241.

DECISION.

♦ ♦ ♦ ♦

The record herein shows that applications were made to this Commission, for enrollment as citizens of the Cherokee Nation, by James Lewis for himself, his wife, Sallie, and their minor children, Fannie, Jafferson, Bunchout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis, as citizens by blood; by said James Lewis for three orphan children, Jennie, John and Mattie Lewis, as citizens by blood; by Alice Chism for herself and her three minor children, James, Harry and Daniel Chism, as citizens by blood; by Nancy Chisholm for herself and her minor children, Webster, Lizzie, Ollie, David and Lillie Chisholm, as citizens by blood; by Sallie Chisholm for herself and her minor son, John Chisholm, as citizens by blood; by Lucy Chisholm for herself as a citizen by blood, and by Rosa Chisholm for herself as a citizen by blood of the Cherokee Nation.

The evidence shows that James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Chisholm, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Jennie, Jafferson, Bunchout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant, is the child of Fannie Lewis by a white man. Jennie, John and Mattie Lewis are the orphan children of late Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full blood Cherokee Indian, the principal applicant, and James, Harry and Daniel Chism are her children by one Cecil Chism, deceased, who was a full blood Cherokee Indian. Nancy Chisholm is a full blood Cherokee Indian and her children, Webster, Lizzie, Ollie, David and Lillie Chisholm are her children.

by one Shawnee Chishelm, a Creek Indian. Sallie Chishelm is a full sister of James Lewis, and John Chishelm is her child by one Willie Chishelm, a Creek Indian. Lucy Chishelm is the daughter of Sallie Chishelm; Rosa Chishelm is a daughter of Nancy Chishelm. James, Sallie, Fannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chishelm are identified on the Cherokee census roll of 1890 and the Cherokee Strip payment roll of 1894; Bird and Nattie Lewis, James, Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chishelm are identified on the Cherokee Strip payment roll of 1894; Thompson, Jacob and Frank M. Lewis and John Chishelm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein, who were then alive, are identified on the Cherokee census roll of 1896.

The evidence further shows that James Lewis for himself, his wife Sallie, and their minor children, Fannie, Jefferson, Runabout and David Lewis; Jennie and John Lewis, children of one Charles Lewis, deceased; Alice Chism for herself and her minor children, James and Harry Chism; Shawnee Chishelm for his minor children, Webster, Lizzie, Ollie and Davis Chishelm; Sallie Chishelm for herself; Lucy Chishelm for herself and Rosa Chishelm for herself, secured, as absentees Shawnees, allotments of land in the Pottawatomie country. It appears that all the applicant allottees, excepting Alice, James, and Harry Chism, relinquished, and their said allotments were cancelled, by the Secretary of the Interior in 1896.

The evidence further shows that the principal applicants in the several cases herein, excepting Lucy and Rosa Chishelm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the war of the rebellion. The said Lucy and Rosa Chishelm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. It further appears that all the applicants herein returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank M. Lewis and John Chishelm, who were born subsequent to the removal of their parents to said nation in 1893. It further appears that all the applicants herein have been continuous residents in said nation since that time, excepting those born subsequent, they having resided in said nation continuously since birth.

The evidence further shows that Sallie Lewis, the wife of James Lewis, was admitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof on November 24, 1890, her children then born being minors.

Section 21 of the act of Congress approved June 28, 1898 (30 Stats., 493), provides for the enrollment of all persons now living whose names are found upon the 1890 authenticated roll and their descendants born since the date of said roll,

"and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; . . ."

The consummation in the matter of their several applications was accomplished through an interpreter, speaking the Cherokee and English language. It is presumed that the rights of Cherokee citizenship were not forfeited or injured during their absence from the Cherokee Nation and Indian Territory.

It is, therefore, the intention of the Board to issue
this order, which shall be effective from the date of its
issuance, and which shall be subject to the provisions of
the Act of Congress approved June 16, 1933 (48 Stat., 507),
and to be in effect.

Continued by the Five Hundred Series.

(Signed) W. B. Egan
Director

(Signed) W. B. Egan
Director

(Signed) W. B. Egan
Director

(Signed) W. B. Egan
Director

Made at Washington, D.C.

this 22nd day of April, 1933

2 12 80

17

RECEIVED BY S. J. ...
COMMISSION TO THE CIVIL RIGHTS ...
FILED
JUN 4 1962

[Heavily obscured and illegible text, possibly bleed-through from the reverse side of the page]

(COPY)

DEPARTMENT OF THE INTERIOR,
Indian School Service,

U. S. Indian Training School,
Shawnee, Okla., May 23, 1902.

Commission to the Five Civilized Tribes,
Muscogee, Ind. Ter.

Gentlemen:

Replying to your letter of May 14, 1902, in which you ask that I advise you if certain Indian by the name of Chisholm and Lewis have been enrolled as members of the Shawnee tribe of Indians in Oklahoma, I have the honor to advise you that the list given below shows the allotments of these two families as allotted under this Agency. It may be that the parties mentioned in your letter have relinquished all of their rights as Absentee Shawnees but this office has no record of such relinquishment.

James Lewis, SE 1/4 of NE 1/4 of Sec. 3-0-3 E, Allottee No. 298
Sally Lewis, SE 1/4 of SW 1/4 of Sec. 32 and NW 1/4 and E 1/2 of the SW 1/4 of Sec. 22-10-3 E and lot 2 of NW 1/4 of Sec. 4-10-3 E, Allottee No. 299

Jim Lewis, NE 1/4 of NE 1/4 of Sec. 3-0-3 E, Allottee No. 291.

Wesley Lewis, S 1/2 of Sec. 14-0-3 E, Allottee No. 292.

Edward Lewis, E 1/2 of NE 1/4 of Sec. 22-0-3 E, Allottee No. 293.

Floyd Lewis, W 1/2 of NE 1/4 of Sec. 22-0-3 E, Allottee No. 297.

Sam Lewis, E 1/2 of NW 1/4 of Sec. 22-0-3 E, Allottee No. 295.

Charles Lewis, W 1/2 of NW 1/4 of Sec. 22-0-3 E, Allottee No. 296.

Ira H. Lewis, SE 1/4 of Sec. 22-0-3 E, Allottee No. 294.

Horster Lewis, E 1/2 of SW 1/4 of SE 1/4 of Sec. 22-0-3 E, Allottee No. 298.

Sarah Lewis, nee Fox, W 1/2 of Sec. 22-11-3 E, Allottee No. 29.

Se-ho-se or Horster Chisholm, NE 1/4 of Sec. 12-10-3 E, Allottee No. 22.

Wate-that-see-se Chisholm, SW 1/4 of SE 1/4 of Sec. 22-11-3 E, Allottee No. 23.

Mary Chisholm, E 1/2 of SE 1/4 of Sec. 12-10-3 E, Allottee No. 27.

Na-se-la-see-se Chisholm, S 1/2 of SW 1/4 of Sec. 12-10-3 E, Allottee No. 29.

Sallie Chisholm, W 1/2 of SE 1/4 and E 1/2 of SW 1/4 Sec. 12-10-3 E, Allottee No. 28.

Livie Chisholm, SW 1/4 of NE 1/4 of Sec. 4-0-3 E, Allottee No. 296.

(No. 293.)

Ollie Chisholm, SW 1/4 of SE 1/4 of Sec. 4-0-3 E, Allottee No. 292.

Shawnee Chisholm, W 1/2 of SW 1/4 of Sec. 3-0-3 E and E 1/2 of NE 1/4 of Sec. 4-0-3 E, Allottee No. 297.

To-ke-lan Chisholm, SE 1/4 of NE 1/4 of Sec. 4-0-3 E, Allottee No. 294.

Thomas Chisholm, NW 1/4 of SE 1/4 of Sec. 4-0-3 E, Allottee No. 291.

Samuel Chisholm, SE 1/4 of SW 1/4 of Sec. 4-0-3 E, Allottee No. 295.

Jourd Chisholm, E 1/2 of NE 1/4 of Sec. 12-0-3 E, Allottee No. 296.

Very respectfully,

Frank A. Thackeray

Supt. & Special Districting Agent.

Refer in reply to
the following:
Land
1884-1903.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, January 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to forward herewith a communication from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 12, 1903, in the matter of the application of James Lewis, et al., for enrollment as citizens of the Cherokee Nation now pending before the Commission.

The Chairman encloses copy of letter from Superintendent Thackery giving a list of members of the Lewis and Chisholm families who were allotted with the Absentee Shawnees.

The Chairman states that nearly all of the parties mentioned in said letter are applicants for enrollment as citizens by blood of the Cherokee Nation, and all of them except Sally Lewis, do. 221, allege that they returned the patents to their allotments, which patents were cancelled and they relinquished all right and title in and to said allotments and returned to the Cherokee Nation some ten years ago.

He recommends that the Department advise the Commission whether it has any record of the cancellation of the patents and the relinquishment of the allotments as to the other persons named, in order that the same may be made to appear of record in the applications of such parties now pending before the Commission.

The records of this office show that the following allotments, of those mentioned, were relinquished and that the patents therefor were cancelled by the Department February 8, 1896;

No. 231, Jim Lewis,

No. 236, Ah-nah-que-se-no, of James Lewis.

The following patents, the names of the allottees not being included in Superintendent Mackery's letter, were cancelled at the same time;

No. 238, Fannie Lewis,

No. 234, Jeytha Lewis,

No. 235, Martin Lewis,

No. 214, Nellie Lewis,

No. 45, Nah-tah-ee-see, or Mrs. Charles Lewis,

No. 46, Nah-la-la-wah,

No. 47, Nah-ee-see.

In an affidavit accompanying the relinquishments James Lewis made affidavit that his children, Fannie Lewis, Jeytha Lewis, Martin Lewis and Ah-nah-que-se-no, or James Lewis, allotted as Absentee Shawons, were the same persons as those entitled on the census rolls of the Cherokee Nation and who had been paid their per capita payments as citizens by blood, under the following names:

Fannie Lewis, JEFF Lewis (the same as Jeytha Absentee Lewis (the same as Martin) and Nellie Lewis (the same as Ah-nah-que-se-no or James Lewis).

Charles Lewis was the father that in case the patent of

Hah-tah-wa-pea-se, or Alice Lewis (No. 48); that they had two children, then miners, Hah-la-la-wah or Jennie Lewis and Hah-ho-pe-wo, or John Lewis, each of whom was allotted as an Absentee Shawnee; that his wife and minor children, as well as himself, were on the census roll of the Cherokee nation as citizens by blood at the time the allotments were made; and that each of them had received per capita payments from the Cherokee Nation.

James and Charles Lewis made joint affidavit that their mother, Ché-ga-nell Lewis, was a full-blood Cherokee Indian and that she held an allotment as a Shawnee under the name of Nellie Lewis (No. 314).

The following allotments of those mentioned, were relinquished and the patents therefor were cancelled September 14, 1896:

- No. 37, Mary Chisholm,
- No. 307, Shawnee Chisholm.

Each of these two patents were relinquished because they were citizens of the Creek Nation.

- No. 308, Lucy Chisholm,
- No. 309, Le-ke-lan Chisholm,
- No. 310, Lizale Chisholm,
- No. 311, Thurman Chisholm,
- No. 312, Ollie Chisholm,
- No. 313, Samuel Chisholm.

Each of the last six patents were relinquished by Henry L. Chisholm, father and natural guardian, on the ground that each

allottee was a citizen of the Cherokee Nation.

No. 268, Sallie Chisholm.

It was stated that this allottee was a citizen of the Creek Nation.

The following patents, the names of the allottees not being indicated in Superintendent Thackery's letter, were cancelled at the same time:

No. 318, Sallie Lewis,

No. 319, Lucy Chisholm.

No. 318 was relinquished by Sallie Lewis, mother and natural guardian. It was stated that Sallie Lewis and Lucy Chisholm were citizens of the Cherokee nation.

Patent No. 276, Jennie Chisholm was cancelled September 2, 1896, it having been relinquished by Susie Akab-akab, nee Tomahawk, No. 308, mother and natural guardian, for the reason that the patentee held an allotment at the Quapaw Agency as an Eastern Shawnee. The mother's patent was also cancelled for the same reason.

Of the other parties mentioned in the letter of Superintendent Thackery, the records show that Susan Lewis, No. 43, and Lester Lewis, citizen Pottawatomie Allottee No. 223 have sold all of their respective allotments.

The allotments of Lester Chisholm, Absentee Shawnee No. 22, and Wesley Lewis, No. 222, Iva B. Lewis No. 232, Charles Lewis 227, Sam Lewis 234, Flora Lewis 225, and Edward Lewis 228, citizen Pottawatomie, have not been sold or cancelled.

-3-

The allotments of Wata-tha-pea-se Chisholm No. 506 and
Ka-ee-la-pea-se Chisholm No. 507, daughters of Charley Chisholm,
No. 505, have not been cancelled.

It is recommended that the enclosed copy of this letter be
forwarded for the information of the Commission.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

J.F.A.

D.C.3161-1903.

DEPARTMENT OF THE INTERIOR,

RAV.

ITD. 806-1903.

Washington, January 30, 1903.

LRS.

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

Gentlemen:

The Department is in receipt of the Acting Chairman's communication of January 12, 1903, in the matter of the application of James Lewis, et al. for enrollment as citizens of the Cherokee Nation with which was transmitted copy of a letter from the Superintendent and Special Disbursing Agent of the U. S. Indian Training School, Shawnee, O. T., from which it appears that a number of persons named therein took allotments of land among the Shawnees in Oklahoma. The Acting Chairman states that nearly all of said persons are applicants for enrollment as Cherokees, and that all, except one, allege that they returned the patents to their allotments, which were canceled, and that they returned to the Cherokee Nation some ten years ago. He recommends that the Commission be advised whether the Department has any record of such cancellation, in order that a decision in the citizenship cases may be reached and the applications disposed of as speedily as possible.

Reporting in the matter January 27, 1903, the Acting Commissioner of Indian Affairs sets out fully the facts concerning the allotments made to the persons referred to, as disclosed by the records of the Indian Office, and he recommends that a copy of his communication be forwarded for the information of the Commission.

-2-

Back copy is inclosed herewith.

Respectfully,

THOMAS RYAN,

Acting Secretary.

A inclosure.

copy.

Cherokee No
1166-7-8, 1200-1
& 1242-9.

Muskogee, Indian Territory, April 13, 1903.

W. V. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting the applications of: James Lewis for the enrollment of himself, his wife, Sallie, and his eight minor children, Hammie, Jefferson, Eusebest, David, Bird, Thompson, Jacob and Frank W. Lewis, and for three orphan children, Jennie, John and Mattie Lewis; Alice Chism for the enrollment of herself and her three minor children, James, Harry and Daniel Chism; Nancy Chishelm for the enrollment of herself and her five minor children, Webster, Linnie, Ollie, Davis and Lillie Chishelm; Lucy Chishelm for the enrollment of herself; Rosa Chishelm for the enrollment of herself; and Sallie Chishelm for the enrollment of herself and her minor child, John Chishelm, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may

COPY.

desire to make against the action of the Commission in this case,
a copy of which protest you will be required to have upon the
application. If you fail to file protest within the time allowed,
this decision will be considered final.

Respectfully,

James Dix
Commissioner

No. 2-110

COPY.

Cherokee B-1200

Muskogee, Indian Territory, May 4, 1903.

Nancy Chisholm,

Turley, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting, among others, your application for the enrollment of yourself and your five minor children, Webster, Lissie, Ollie, Davis and Lillie Chisholm, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, S. J. Scott, Tecumseh, Oklahoma, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the

COPY

-2-

Secretary of the Interior for his review and approval. The
action of the Secretary will be made known to you as soon as
the Commission is informed of same.

Respectfully,

James D. ...

...

Enc. 2-2187

Register

COPY

Cherokee No.
1100-9-0, 1200-0
& 1300-0.

Muskogee, Indian Territory, May 4, 1903.

H. J. Scott,

Attorney for James Lewis et al.,

Toomsch, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the consolidated case of James Lewis et al., together with a copy of the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Fannie, Jefferson, Humbert, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Linnie, Gillie, Davis, Willie, Sallie, John, Lucy and Ross Chisholm, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary

COPY.

of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Department is informed of same.

Respectfully,

Tame Kirby

Secretary

New York

Register

COPY.

Cherokee No.
1144-7-2, 1204-2,
& 1144-3.

Washogee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Commissioner of Indian Affairs' letter of February 24, 1903, (land 10472-1903), there is herewith transmitted the record of proceedings had in the consolidated case of James Lewis et al., together with the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Fannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank K., Jennie, John and Fattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Elsie, Davis, Lillie, Sallie, John, Lucy and Rosa Chisholm, as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tama Elroy
Assistant

Enc. No. 100

Through the
Commissioner of Indian Affairs

COPY.

Cherokee No.
1144-7-8, 1220-1,
& 1242-9.

Muskogee, Indian Territory, May 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the consolidated case of James Lewis et al., together with the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Fannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank W., Jennie, John and Nettie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm, as citizens by blood of the Cherokee Nation, and the protest of the Cherokee Nation against said decision, dated April 20, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tame Dixby
Chairman.

COPY.

Refer in reply to the following:
Land. 63874-1903.
70496-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Under date of February 22, 1897, Agent Thomas of the Sac and Fox Agency, Oklahoma, returned to this office Absentee Shawnee patent No. 318, issued February 6, 1892, to Charles Chishelm for the E/2 of the NE 1/4 of S.33, T.10- N., R. 3-E., relinquished by Charles Chishelm on the ground that he was regularly enrolled as a Creek Indian. March 5, 1897, Agent Thomas was advised by this office that Charles Chishelm, allottee No. 318, was, when allotted in 1889, but four years of age and the son of Alice Chishelm, and that, therefore, the patent seemed to have been improperly delivered to Charley Chishelm. The patent was returned with an endorsement thereon showing that the relinquishment was void, with instructions to deliver the patent to Alice Chishelm, the mother of the allottee. Under date of June 6, 1903, this office referring to Departmental letter of May 18, 1903, (I.T.D. 4424), relative to ~~the~~ the application of James Lewis, et al., for enrollment as Cherokee citizens, forwarded the record in the case of James Lewis, et al., applicants for Cherokee citizenship, which record included the application of Alice Chishelm for the enrollment of herself and her three other children - James, Harry and Susan Chishelm, as citizens by blood.

The record in the case showed that James Chisholm was identical with Charles Chisholm, Absentee Shawnee allottee No. 318, and Harry Chisholm with Tekah Chisholm, Absentee Shawnee allottee No. 319. In said report it was recommended that Alice Chisholm and Harry Chisholm be declared entitled to citizenship in the Cherokee Nation, upon condition that they relinquish their respective allotments as Absentee Shawnees. It was stated, however, that Alice Chisholm preferred to retain her Shawnee allotment.

Under date of October 2, 1903, the Commission to the Five Civilized Tribes returned to this office the patent, No. 319, issued to Tekah Chisholm for the W/2 of the N.E. 1/4 of S. 33, T. 10- N., R. 3-E, I.M., with a relinquishment endorsed thereon signed by Tekah Chisholm by Alice Chisholm, as mother and guardian, for the land covered thereby, the consideration being "that the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation." This relinquishment was executed September 5, 1903. The Commission also enclosed the affidavit and relinquishment of Alice Chisholm for her son Charles Chisholm, in which she stated that she had never received patent for his allotment as Absentee Shawnee.

October 26, 1903, Superintendent Thackery of the Shawnee Indian Training School transmitted to this office, at the request of S.J.Scott, attorney for the applicants, the patent No. 318, issued to Charles Chisholm, as above stated.

The relinquishment of Alice Chisholm, transmitted by the Commission, have been attached to this patent and is believed to be sufficient. It is recommended that the two patents be cancelled, provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

There is also forwarded the letter of the Commission to you dated October 2, 1903.

Very respectfully,

W.A.Jones,

Commissioner.

I.F.A.
R.S.R.

J.P. FEB. 188.

D.C.No. 4666-1904.

I.T.D. 4984-8006-1903
8090-8112- "
8598-10679- "

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 5, 1904.

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

Gentlemen:

The Department has considered the case involving the applications for the enrollment as citizens by blood of the Cherokee Nation, of James Lewis for himself, his wife, Ballie, and their minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis; of James Lewis for three orphan children, Jennie, John and Hattie Lewis; of Alice Chism for herself and minor children, James, Harry and Daniel Chism; of Nancy Chishelm for herself and minor children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm; of Sallie Chishelm for herself and minor son, John Chishelm; of Lucy Chishelm for herself; and of Rosa Chishelm for herself, submitted with your letter of May 4, 1903.

It appears, as stated in your decision of April 10, 1903, in favor of all of the applicants, that

"James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Ballie, also a full blood Cherokee Indian. As a result of that marriage Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is a child of Nannie Lewis by a white man. Jennie, John and Hattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children. Nancy Chishelm, deceased, who was a Creek Indian, Nancy Chishelm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm are her children by one John Chishelm, a full blood Creek Indian. Sallie Chishelm is a full sister to James Lewis and John Chishelm is her husband.

Indian. Lucy Chisholm is a daughter of Sallie Chisholm; Rosa Chisholm is a daughter of Nancy Chisholm.

James, Sallie, Nannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chisholm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Hattie Lewis, James Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chisholm are identified on the Cherokee strip payment roll of 1894; Thompson, Jacob and Frank H. Lewis and John Chisholm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein who were then alive are identified on the Cherokee census roll of 1896.

You further state that James Lewis, Sallie Lewis and their children, Nannie, Jefferson, Runabout, and David Lewis; Jennie, and John Lewis; Alice Chism for herself and children, James and Harry Chism; Webster, Lizzie, Ollie and Davis Chisholm; Sallie Chisholm; Lucy Chisholm, and Rosa Chisholm, secured, as absentee Shawnees, allotments of land in the Pottawatomie country, Oklahoma; that it appears that all the applicant allottees except Alice, James and Harry Chism, relinquished, and their allotments were cancelled by the Secretary of the Interior in 1896. These allotments apparently were secured about 1890 or 1891. The allotments in Oklahoma of these allottees that have been cancelled were cancelled, it appears, because of the disavowal of the allottees of their Shawnee citizenship, and on account of their claims to Cherokee citizenship.

So far as Sallie Lewis is concerned, your decision is incorrect. She has not relinquished her allotment. The Sallie Lewis mentioned in the Indian Office letter of April 26, 1901, copy with the record in this case, as having relinquished her allotment, is not Sallie Lewis, wife of James Lewis.

It appears that the principal applicants in the several cases, excepting Lucy and Rosa Chisholm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the civil war. Lucy and Rosa Chisholm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. The evidence shows that all the applicants returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank H. Lewis, and John Chisholm, who were born subsequent to the removal of their parents to the Nation in 1893. It is shown that all the applicants have been continuous residents of the Cherokee Nation since 1893, excepting those born subsequent to that time, they having resided in said nation continuously since birth.

It is shown that Sallie Lewis, wife of James Lewis, was readmitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof, on November 28, 1888, her children then born being minors.

Relinquishment has been made of the allotments of James and Harry Chism, which will be disposed of hereinafter.

Referring to Section 21 of the act of June 28, 1898 (30 Stat., 495), which provides for the enrollment of

"All persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

you held that all the applicants are entitled to enrollment, stating that it is presumed that the rights of Cherokee citizenship

were not forfeited or abjured during their absence from the Cherokee Nation and Indian Territory.

The Nation protests against your decision, contending that a great injustice will be done the Cherokee Nation if your decision is concurred in; that "these people were away from the Cherokee Nation for thirty years; that they left the Nation when the war commenced, took with them their effects and left nothing behind, and became citizens of the absentee Shawnee reservation in Oklahoma, where they drew money and selected lands, evaded the burdens of citizenship in the Cherokee Nation, and now seek the benefits of the funds and common property of the Cherokee Nation without having been readmitted to citizenship in that nation.

The attorney for the nation calls attention to the fact that Sallie Lewis, wife of James Lewis, was readmitted to Cherokee citizenship in 1888, but that she was required to permanently locate in the Cherokee Nation within one year as a condition to her readmission. He contends that the fact that she was readmitted proves that it was necessary for all the applicants to be readmitted; that while it is true the names of these people are upon the 1894 pay roll, the Department "is aware that the Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation."

In answer to these statements see opinion of the Assistant Attorney General of December 19, 1902, in the Benjamin F. Maxwell case, and decision of the Department of June 10, 1903, in the case of Martha Hill et al., and June 12, 1903, in the case of James V. Swisher et al.

Reporting in the matter June 8, 1903, the Acting Commissioner of Indian Affairs states that the allotment of Sallie Lewis, wife of James Lewis, in Oklahoma, was sold by her. He does not agree with your conclusion as to Sallie Lewis, Alice, James, and Harry Chism, they not having relinquished, their allotments as absentee Shawnees. He states that Sallie Lewis did not remove to the Cherokee Nation within twelve months from the time of readmission, and that furthermore, she did not relinquish her allotment as an absentee Shawnee; that part of the allotment was sold by her to W.J. Riggs and the other part to Samuel J. Scott. He recommends that your decision declaring her entitled to enrollment as a Cherokee citizen be not approved. He reports that there is before the Indian Office a deed from Alice Chism, by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of the sum of \$1,100, and he holds that if she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation. He recommends, however, that Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

On November 7, 1903, the Commissioner of Indian Affairs transmitted patent number 319, issued to Takah, or Harry Chishelm, for land in Oklahoma, with a relinquishment entered thereon by Alice "Chishelm", mother and guardian of Takah Chishelm, the consideration being -

"That the said Takah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Takah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation."

He also inclosed the affidavit and relinquishment of Alice "Chisholm", for her son Charles or James Chisholm, in which she stated that she had never received patent for his allotment as an absentee Shawnee.

It appears that on October 26, 1903, the Superintendent of the Shawnee Indian Training School transmitted to the Indian Office the patent, No. 318, issued to Charles or James Chisholm.

The Commissioner recommends that the two patents be cancelled provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

The citizenship in the Cherokee Nation of James, Harry and Daniel Chism (or Chisholm), their father being a Creek & citizen, must depend upon the status of their mother. Unless she relinquishes her allotment in Oklahoma she cannot be enrolled as a Cherokee, and neither can her children. Should she, however, relinquish her allotment in Oklahoma, the allotment to her and said children, James and Harry, should no objection then appear, will be cancelled, and authority will be given for their enrollment and of Daniel Chism (or Chisholm) as Cherokee citizens.

47

Your decision is hereby affirmed, except as to those particular persons, and as to Balthus Lewis. The allotments of the allotments of James and Harry Gushels will be held in the Indian Office awaiting further action by Alice Gushels (of Oklahoma).

A copy of the Commissioner's letter of November 7, 1905, is inclosed.

Respectfully,

(Signed) Thomas M. Smith,
Acting Secretary

1 inclosure.

Cherokee D 1280

Muskogee, Indian Territory, February 18, 1904.

Nancy Chisholm,

Turley, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 10, 1903, granting, among others, your application for the enrollment of yourself and your five minor children, Webster, Lissie, Ollie, Davis and Lillie Chisholm, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 5, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 10, 1904.

S. J. Scott,

Attorney for James Lewis, et al.,

Tocumoch, Oklahoma.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Mammie, Jefferson, Humbert, David, Bird, Thompson, Jacob, Frank N., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Gills, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 6, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect in as much as it is shown that she did not relinquish her allotment as an Absentee Homestead, but that she sold said allotment to W. J. Higgs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a deed

from Alice Chism for the sale of her allotment to an Alonzo
Shannon for the sum of \$1100.00; that if she is permitted to dispose
of this land she should not be enrolled as a citizen by blood of the
Cherokee Nation; and that the father of her children being a Creek
Indian, they can only claim through their mother. The enrollment of
Alice, James, Harry and Daniel Chism will not, therefore, be approv-
ed by the Department at this time, but will await the further action
of Alice Chism as to the disposition of her Alonzo Shannon allot-
ment. A copy of the department's letter is herewith inclosed for
your information.

Respectfully,

Encl. 7-00

Commissioner in Charge.

Cherokee 3 1100-4
 5, 1904-01, 1904-0

Muskogee, Indian Territory, February 18, 1904.

W. W. Hastings,
 Attorney for the Cherokee Nation,
 Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Mennie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank E., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lissie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 5, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect inasmuch as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a copy

from Alice Chinn for the sale of her allotment as an American
citizen for the sum of \$100.00, and if she is considered as a citizen
of this land she should not be considered as a citizen by those of the
Maritime Nations; and that the father of her children being a white
Indian, they can only claim through their mother. The names of
Alice, James, Harry and Harold Chinn will not, therefore, be
used by the Department at this time, but will await the further action
of Alice Chinn as to the disposition of her American allotment.
A copy of the Department's letter is herewith inclosed for
your information.

Respectfully,

Encl. 1- 50

Commissioner in Charge.

Cher 10382

Sallie Chisholm

Trans. from D1281

Cher 10382

The Department has directed that the above cases and cases of the same kind be referred to the Civilized Tribes and laboring in the
I. Vinton, Jr. Chairman, of Mexico City and other officials

Added: How can the above be done?

As to the right of the Civilized Tribes, John Christian, after a long and careful study of the situation, has concluded that the Commission should be organized to study the case about the same time as the above. If this too be necessary, the Commission should be organized to study the case about the same time as the above.

Regarding the case of the Civilized Tribes, the Commission should be organized to study the case about the same time as the above. If this too be necessary, the Commission should be organized to study the case about the same time as the above.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 20, 1902.

Applicant represented by S. J. Scott.
In the matter of the application of Sallie Chisholm for the enrollment of herself and one child as citizens of the Cherokee Nation; the said Sallie Chisholm being first duly sworn, testified before the Commission as follows:

Through official interpreter S. R. Walkingstick.

- Q What is your name? A Sallie Chisholm.
Q What is your age? A 40 years.
Q What is your postoffice address? A Turley, Indian Territory.
Q What district in the Cherokee Nation are you residing in? A Georgeeewowee District.
Q Do you make application for enrollment as a Cherokee by blood?
A Yes, sir.
Q Are you a Cherokee full-blood? A Yes, sir.
Q Do you apply for anyone besides yourself? A Two children.
Q What are their names? A Lusy.
Q How old is she? A She is about 21 years old.
Q Is she 21 years old or younger than that? A She is 2 now.
Q When was she 21 years old? A She was 21 Christmas, last Christmas.
Q It will be necessary for her to appear before the Commission and apply in person. What is the name of the next child? A She started with her, she took sick on the road, and then they had to take her back.
Q What is the name of the next child? A John Chisholm.
Q How old is he? A 4 years old.
Q Is this child living? A Yes, sir, he was here a while ago.
Q What is his father's name? A Willie Chisholm.
Q Is he living? A Yes, sir.
Q Is he a Cherokee? A He is a Creek Indian.
Q What is the name of your father? A Lewis Lewis.
Q Where were you born? A This woman is my sister here.
Q Where was she born? A I was born in the Cherokee Nation.
Q How long did you continue to reside here after your birth? A I was very small when we left the Cherokee Nation, could not have been much over two or three years old.
Q When did you first come back to the Cherokee Nation after that?
A My case is just similar to the statement that this woman made here.
Q Well, I want to get the facts in the case, tell her she will have to answer the questions. A Yes, sir, I have been back about nine years.
Q How are you a full sister of this Nancy Chisholm? A Yes, sir.
Q Did you leave the Cherokee Nation when she left it? A Yes, sir, same time.
Q Did you come back at the same time? A Yes, sir, we came back at the same time.
Q Have you lived here the same length of time since your return that she has? A Yes, sir.
Q Have you ever applied to this Commission for the enrollment of yourself and child as citizens of the Creek Nation? A No, sir.
Q Did you take a reservation with the absentee Shawnees in the Fort Lawtonia Agency? A Yes, sir, I took an allotment out there.
Q Did you relinquish that allotment in 1896? A Yes, sir, I relinquished it.
Q How often have you drawn money here in the Cherokee Nation? A Three different times.
Q The facts in your case are identical with the facts in the case of Nancy Chisholm, are they? A Yes, sir, it is the same.
Q Were you ever married before you married Chisholm? A Yes, sir, my husband before my present marriage was Charley Chisholm.
Q Well, were you married to two men by the name of Chisholm? A Yes, sir, the same name.
Q Were you ever married to any other man? A No, sir.

Q Did you draw the \$285.70 that was paid to the Cherokees in 1844?
A Yes, sir, I drew that.
Q What was your name at that time? A The same name that I have now; my Cherokee name is Iuka.
Q Did you draw for any children at that time? A Yes, sir, my daughter drew, Lucy.

1844 roll, page 186, No. 575, Iagus Chishelm, Cooweescoowee District.

It is directed that a copy of all the testimony had in the matter of the applicant's sister, Nancy Chishelm, for enrollment as a citizen of the Cherokee Nation, be filed with and made a part of the record in this case.

Sallie Chishelm applies for the enrollment of herself and her child, John Chishelm, as Cherokees by blood. She avers that she is a Cherokee full-blood, and that she is at present the wife of Willie Chishelm, who is a citizen of the Creek Nation. The applicant avers that she has lived in the Cherokee Nation for the past nine years; that she was born in the Cherokee Nation and left it at the outbreak of the Civil War. She is not identified on the authenticated roll of 1880 nor the Census Roll of 1890. She is identified on the Cherokee strip payment roll of 1884. By reason of the fact that she is not identified on the authenticated roll of 1880 nor the Census Roll of 1890, final judgment as to her application for the enrollment of herself and child will be suspended and their names will be placed on a doubtful card. When the testimony from the case of Nancy Chishelm has been filed with and made a part of the record in this case this case will be deemed completed and will be reported to the Commission for final decision based upon the evidence now of record. It will also be necessary that the applicant furnish the Commission with a duly executed affidavit as to the birth of her child, John Chishelm, whose name does not appear upon any of the tribal rolls.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

B

01281.

Vertical text on the left edge, possibly a page number or reference code.

CHEROKEES BY BLOOD AND ADOPTION.

Date _____ 1900.

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name *Lillie Chisholm, Insley, I. F.*

District *200* Year *1894* Page *156* No. *875*

Citizen by blood *yes full* Mother's citizenship _____

Intermarried citizen *no*

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

John Chisholm Dist. _____ Year _____ Page _____ No. _____ Age *4*

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

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No 1 on 1894 with as Inguie Chisholm

ref to Nancy Chisholm

with affidavit required.

ARTHUR G. BOSTWICK, Secretary
 No. 118, Broadway, New York
DR. ABERNATHY ROOPER, a Slave
PH. HAYLINGS, Assistant Surgeon, U.S.A.
NEWLY CHICAGO, RECEIVED:

When the evidence has been

It will be reported to the Commission
PERMISSION: the report in full
 and report of same, which I have received.

Base the report, and that you
 definition of "pursuant" and
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 with report on the subject

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 of the Honorable Association
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 20, 1908.

Applicant represented by S. J. Scott.

In the matter of the application of Nancy Chisholm for the enrollment of herself and children as citizens of the Cherokee Nation; she being duly sworn testified before the Commission as follows:

Through official interpreter, S. R. Walkingstick.

- Q What is your name? A Nancy Chisholm.
- Q How old are you? A About 43 years old.
- Q What is your postoffice address? A Turley.
- Q What district in the Cherokee Nation are you living in?
A Deoveescoovee.
- Q Do you wish to make application for enrollment as a Cherokee by blood? A Yes, sir.
- Q Do you apply for anyone besides yourself? A Well, myself and six children.
- Q Are you a Cherokee full-blood? A Yes, sir.
- Q What is the name of your oldest child, and how old is it? A Lucy.
- Q How old is Lucy? A She is 22 years old.
- Q Is she married? A No, sir.
- Q Is she living at home with you? A Yes, sir, living with me.
- Q Why does not she appear before the Commission herself? A Well, I don't know, I just simply left her at home to take care of the home place.
- Q She is well enough to appear before the Commission is she? A No reason in the world, she is in perfect health, good health.
- Q It will be necessary for her to appear and make application in her own behalf because she is of age. What is the name of the next child?
A Webster.
- Q How old is he? A 18 years old.
- Q Is his name Webster Chisholm? A Yes, sir. Lizzie, 16 years old is the next one; Ollie, 14 years old, is the next one; Davis is the next one, about 12 years old.
- Q Next child? A Lillie, 9 years old.
- Q Is that all, just these five children, that are under 21 years of age? A That is all, except the other one.
- Q Are they all living? A Yes, sir.
- Q Are they all living at home with you? A Yes, sir.
- Q Who is the father of these children? A Shawnee Chisholm.
- Q Is he living or dead? A He is present here.
- Q Is he a Cherokee? A He is a Creek.
- Q Does she apply for him as a Cherokee? A No, sir, I think not.
- Q Has he been recognized as a citizen of the Creek Nation? A Yes, sir.
- Q Did you ever make application to have any of these children enrolled as Creeks? A Yes, sir, I think application has been made for their enrollment as Creek citizens, but they were told that they ought to be on the Cherokee roll.
- Q Did you ever draw any money for these children as Creeks? A No, sir.
- Q Did your husband ever draw any money for the children? A No, sir.
- Q Did you apply to this Commission for the enrollment of these children as citizens of the Creek Nation or to the tribal authorities of the Creek Nation? A Before this Commission.
- Q Have they ever been recognized by the tribal authorities of the Creek Nation as citizens? A I think not.
- Q Have they ever been enrolled by the tribal authorities of the Creek Nation as citizens? A No, sir.
- Q Did they ever draw any money from the tribal authorities of the Creek Nation? A No, sir.
- Q Where were you born? A I was born in the Cherokee Nation.
- Q How long did you continue to reside here after your birth? A My father left at the commencement of the Civil War.

Q Where did you go? A We went north I think.

Q Well, how long did you remain away from the Cherokee Nation?

A I must have been out about 25 years.

Q Where did you come in, did you come back to the Cherokee Nation then? A Yes, sir, I returned to the Cherokee Nation.

Q Do you know in what year you came back to the Cherokee Nation? A I think my sister knows.

MR. HASTINGS, Cherokee Representative: How many years ago?

A It has been about 9 years ago.

COMMISSION: Well, didn't you at one time take a reservation in the Pottawatomie Agency? A No, sir, I never taken any allotment out there, I lived there but never taken no allotment.

Q Well, is it not a fact that you took an allotment and that you afterwards relinquished it? A No, I never took no allotment, but I think my husband did for himself.

Q Did he take an allotment for your children? A Yes, sir, but they relinquished it.

Q For the past nine years you have made your home continuously in the Indian Territory? A Yes, sir.

Q Have you been out of the Territory within the past four years for any purpose? A Yes, sir, I think about four years ago I went out a little while, out in the Creek Nation.

Q Have you been outside of the Territory within that time? A No, sir, I never have been out.

Q What was your father's name? A Lewis Lewis.

The authenticated roll of 1880 examined and the name of Nancy Chishelm or Nancy Lewis does not appear of record thereon.

The census roll of 1886 examined and neither the applicant nor her children are identified thereon.

Q Was this child Webster ever known by any other name than Webster? A Ezekiel.

Q Well, under what name do you desire to have him enrolled? A Yes, sir, his Cherokee name is Ezekiel.

Q Under what name do you desire to have the child enrolled? A Webster.

1884 roll, page 165, No. 1082, Nancy L. Chisolm, Coowee-scoowee District.

1884 roll, page 165, No. 1084, Ezekiel Chisolm, Coowee-scoowee District.

1884 roll, page 165, No. 1085, Lizzie Chisolm, Coowee-scoowee District.

1884 roll, page 165, No. 1086, Arle Chisolm, Coowee-scoowee District.

Q Was this child Davis ever known by any other name than the one you gave? A Tuxie, that is his Indian name.

Q Do you desire to have him enrolled as Tuxie or Davis? A Davis.

1884 roll, page 165, No. 1087, Tuxie Chisolm, Coowee-scoowee District.

Q Was Lillie ever known by any other name than the one you gave?

A That's Lillie, that's her Indian name, is the name that appears there.

Q Well, how do you want her enrolled, under what name? A Lillie.

1884 roll, page 165, No. 1088, Ga-li-ohay Chisolm, Coowee-scoowee District.

MR. W. V. HASTINGS, Cherokee Representative: Where are you living now? A Living just about a quarter of a mile from Turley Postoffice.

Q How long have you been living there? A Been living there about three years.

Q Where did she come from there, came from when she moved up there?

A Why I came from near Will Rogers's.

Q Well, who had been living out in Oklahoma, hadn't she? A Yes, sir.

Q When did she go to Oklahoma? A Why we had been living there prior to the time the lands were allotted out there.

Q Well, how long had she been living there? A Well, from the time we had left the Cherokee Nation at the commencement of the Civil War.

Q You lived out there? A Yes, sir.

Q Did you ever live in Kansas? A Why we stayed in Kansas all during the war.

Q It was after the war, then, she went down there? A Yes, sir.

Q How long after the war? A I am not able to state, I was very small at the time.

Q Does she remember it? A Yes, sir, I remember that when we left the state of Kansas we went west, in a westerly direction.

Q Well, who got her land after she relinquished it? A That that she relinquished for her children out there?

Q Who settled on it? A I think it is this man that's standing here. I don't know with any certainty.

Q Well, is that your information? A No, sir, I don't know. I don't know who got it, there was a white man living on it though.

MR. SCOTT: Did you understand this question that was put to you by the representatives of the Cherokee Nation here? A No, sir, I have no information that this man is the man that got the land. She don't know it from any information she has obtained.

MR. HASTINGS: What is your husband's name? A Shawnee Chisholm.

Q Is he a Shawnee by blood? A He is Creek by blood.

Q He is Creek by blood, is that right? A Yes, sir. That is his name, though, is Shawnee Chisholm.

SHAWNEE CHISHOLM, being first duly sworn, testified as follows:

Through official interpreter, S. R. Walkingstick.

COMMISSION: What is your name? A Shawnee Chisholm.

Q How old are you? A About 48.

Q Where do you live? A I live at Turley.

Q Can you speak the Cherokee language, do you speak the Creek language? (No response.)

COMMISSION (To Mr. Scott): Well, do you desire to ask him any questions?

MR. SCOTT: I desire to ask him some, because there has been some little cloud been thrown by you people as to who got this land, and I would like to have some light in regard to who got the land.

MR. HASTINGS: Is this your wife? A Yes, sir.

Q Did she or the children take an allotment out yonder in Oklahoma? A Yes, sir.

Q Did you relinquish it? A Yes, sir.

Q Who got the land after you relinquished it? A I don't know who got it.

Q You don't know who lived on it afterwards? A No, sir.

Q You don't know that? A No, sir.

Q Well, did two fellows by the name of Sneider live on it? A Yes, sir, they lived on it.

MR. SCOTT: Did you know who bought it or rented it or took it up? A I don't know that.

Q Who owned it or who got the deed to it? A I don't know who got the deed.

COMMISSION: When were you married to this woman? A About 23.

Q 23 years ago? A Yes, sir.

COMMISSION (To Mr. Scott): Do you want to ask any questions of the applicant?

MR. SCOTT: I would like to know that the testimony wherein that you inquired there at one time about the payment that she got from the Creek Nation.

COMMISSION: She was asked whether she had ever drawn any money for these children from the tribal authorities of the Creek Nation.

MR. SCOTT: Now, I would desire to ask her if she didn't—I want to ask her if she didn't receive moneys from the Cherokee Nation? (Of applicant) How many payments did she receive here, one or two, at different times? A In three payments.

Q I simply want to make the record like the record really shows, the transcript of the Department. Now I would like to ask her another thing right there. Ask her if she remembers how long it was ago when I was U. S. licensed trader at Old Shawnee Town. I was out there sixteen years ago, I didn't want to tell her, I wanted to know whether she recollected it or not.

A Something like 17 years, or probably longer than that, probably 20 years.

Q It is an important point right there, if you please, Mr.—(Referring to Mr. Reuter.) Did she and her husband not make frequent trips from that time until the allotments were made to the Cherokee Nation. She never missed a payment, I know that much.

A Yes, sir.

Q They made frequent trips before the allotments were made to the Cherokee Nation. Now I would like to ask the direct question, if she wasn't living with her husband and children in the Cherokee Nation at the time those allotments were cancelled? A Yes, sir.

MR. HASTINGS: When were they cancelled? A In the year 1896.

Q When you was making those visits up in the Cherokee Nation you had lived down yonder in Oklahoma? A Yes, sir.

Q Who did you go to Oklahoma with first from Kansas after the war?

A I went with my father and mother.

Q Well, did a pretty good crowd go along at the same time? A Just two families my family and another family went along.

Q Did she go down there before or after those Shawnees went down there? A Think they must have been out there, I don't remember, then I was quite small.

Q Well, wasn't those Shawnees out there when she went out there?

A There wasn't any Shawnees at the place where we went to, but there must have been east of us there somewhere.

Q Does she speak the Shawnee language? A No, sir.

Q From what place in Kansas did they go down there? (No response.)

MR. SCOTT: Did you not live continuously in Cooweescoowee District for the last nine years? A Yes, sir, continuously.

Q Didn't the man who represented the Dawes Commission leave you a land certificate on the land on which you now reside?

MR. HASTINGS: The representatives of the Cherokee Nation object to this question, for the reason that not a single land certificate giving a patent and right to occupy a single tract of land has been given up to this date to a single citizen of the Cherokee Nation. If any number of sections has been left with any person it has simply been a matter of courtesy to show them the number or section upon which they reside.

MR. SCOTT: There's one thing that ought to appear upon this record here. There is one additional point in the testimony. What is the reason that you didn't come here with Jim Lewis and your sister one year ago at the time that they made application for enrollment? A My family were sick, we were all down with the smallpox at the time.

COMMISSION: Nancy Chisholm applies for the enrollment of herself and her five children, to wit: Webster, Lizzie, Olfie, Davie and Lillie Chisholm, as citizens by blood of the Cherokee Nation. The applicant swears that she is a full-blood, and that her husband, Shawnee Chisholm, is a citizen of the Creek Nation. The applicant claims that she was born in the Cherokee Nation and left the nation during the war, and that for the past nine years she has been making her home continuously in the Cherokee Nation, as have her children. The applicant is not

identified on the authenticated Cherokee roll of 1880. Neither she nor her children are identified on the Cherokee Census roll of 1896. The applicant and all of her children mentioned in the testimony are duly identified upon the Cherokee strip payment roll of 1894. By reason of the fact that the applicant and her children are identified only on the Cherokee strip payment roll, final judgment as to their enrollment will be suspended and their names will be placed on a doubtful card. The applicant will be notified at a later date of the Commission's decision in writing.

MR. SCOTT: Before the Commission to the Five Civilized Tribes, Muskogee, I.T., March 20, 1902. Nancy L. Chisholm, nee Lewis, hereby makes application for herself and children as follows: Webster Chisholm, Lizzie Chisholm, Ollie Chisholm, Davis Chisholm and Lillie Chisholm. She most earnestly asks that this application be made of record, and that her claims for citizenship be considered with the cases Cherokee D. 1167 and D. 1168, my brother and sister. That my application would have been made for myself and children on March 25th with the others but for severe sickness, which I reported at that time, my entire family having smallpox. I most earnestly call the attention of your Commission to a report of the Honorable Commissioner of Indian Affairs filed in your office May 14, 1901, wherein my rights and those of my children were most thoroughly investigated as to Cherokee citizenship by Col. D. M. Wisdom, U. S. Indian Agent. You will note in said report that the relinquishments of the absentee Shawnee trust patents of myself and said children had been forwarded through the Sac and Fox Agency, was referred to Col. D. M. Wisdom for investigation, and upon whose recommendation we were termed citizens of the Cherokee Nation, and said patents cancelled by the Honorable Secretary of the Interior September 14, 1898. See said report on file for further particulars. I was residing with my children in Cooweescoowee District at the time of the said cancellation of patents, and have resided there in good faith for the past nine years, and that your Commission left with me the numbers of land and patent of same on which I now reside.

COMMISSION: The record in this case is now deemed completed and will be reported to the Commission for a final decision based upon the evidence now of record.

NANCY CHISHOLM, recalled:

MR. HASTINGS: What was your father's name? A Lewis Lewis.
Q What was your mother's name? A Nellie Lewis.

---:---

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

COPY

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

VJH
62

In the matter of the application of James Lewis et al.,
for enrollment as citizens of the Cherokee Nation, consolidating
the applications of:

James Lewis et al.,	Cherokee	D-1154,
Jennie Lewis et al.,	"	D-1157,
Alice Chism et al.,	"	D-1160,
Nancy Chishelm et al.,	"	D-1200,
Sallie Chishelm et al.,	"	D-1221,
Lucy Chishelm,	"	D-1242,
Rosa Chishelm,	"	D-1244.

DECISION.

♦ ♦ ♦ ♦ ♦

The record herein shows that applications were made to this Commission, for enrollment as citizens of the Cherokee Nation, by James Lewis for himself, his wife, Sallie, and their minor children, Hennie, Jefferson, Bunabont, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank N. Lewis, as citizens by blood; by said James Lewis for three orphan children, Jennie, John and Mattie Lewis, as citizens by blood; by Alice Chism for herself and her three minor children, James, Harry and Daniel Chism, as citizens by blood; by Nancy Chishelm for herself and her minor children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm, as citizens by blood; by Sallie Chishelm for herself and her minor son, John Chishelm, as citizens by blood; by Lucy Chishelm for herself as a citizen by blood, and by Rosa Chishelm for herself as a citizen by blood of the Cherokee Nation.

The evidence shows that James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Hennie, Jefferson, Bunabont, David, Bird, Thompson and Jacob Lewis were born. Frank N. Lewis, the principal applicant's grandson, is the child of Hennie Lewis by a white man. Jennie, John and Mattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Scott Chism, deceased, who was a Creek Indian. Nancy Chishelm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm are her children

by one Shawnee Chishelm, a Creek Indian. Sallie Chishelm is a full sister of James Lewis, and John Chishelm is her child by one Willie Chishelm, a Creek Indian. Lucy Chishelm is the daughter of Sallie Chishelm; Rosa Chishelm is a daughter of Nancy Chishelm. James, Sallie, Nannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chishelm are identified on the Cherokee census roll of 1890 and the Cherokee Strip payment roll of 1894; Bird and Mattie Lewis, James, Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chishelm are identified on the Cherokee Strip payment roll of 1894; Thompson, Jacob and Frank M. Lewis and John Chishelm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein, who were then alive, are identified on the Cherokee census roll of 1896.

The evidence further shows that James Lewis for himself, his wife Sallie, and their minor children, Nannie, Jefferson, Runabout and David Lewis; Jennie and John Lewis, children of one Charles Lewis, deceased; Alice Chism for herself and her minor children, James and Harry Chism; Shawnee Chishelm for his minor children, Webster, Lizzie, Ollie and Davis Chishelm; Sallie Chishelm for herself; Lucy Chishelm for herself and Rosa Chishelm for herself, secured, as absentee Shawnees, allotments of land in the Pottawatomie country. It appears that all the applicant allottees, excepting Alice, James, and Harry Chism, relinquished, and their said allotments were cancelled, by the Secretary of the Interior in 1896.

The evidence further shows that the principal applicants in the several cases herein, excepting Lucy and Rosa Chishelm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the war of the rebellion. The said Lucy and Rosa Chishelm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. It further appears that all the applicants herein returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank M. Lewis and John Chishelm, who were born subsequent to the removal of their parents to said nation in 1893. It further appears that all the applicants herein have been continuous residents in said nation since that time, excepting those born subsequent, they having resided in said nation continuously since birth.

The evidence further shows that Sallie Lewis, the wife of James Lewis, was admitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof on November 26, 1896, her children then born being minors.

Section 21 of the act of Congress approved June 20, 1898 (30 Stats., 495), provides for the enrollment of all persons now living whose names are found upon the 1890 authenticated roll and their descendants born since the date of said roll, and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; . . .

The examination in the matter of their several applications was accomplished through an interpreter, speaking the Cherokee and English languages. It is presumed that the rights of Cherokee citizenship were not forfeited or injured during their absence from the Cherokee Nation and Indian Territory.

It is, therefore, the opinion of this Commission that James Lewis, Sallie Lewis, Nansie Lewis, Ferris Lewis, Hunsburt Lewis, David Lewis, Bird Lewis, Thompson Lewis, Jacob Lewis, Frank E. Lewis, Jennie Lewis, John Lewis, Mattie Lewis, Alice Chism, James Chism, Harry Chism, Daniel Chism, Fanny Chism, Webster Chism, Annie Chism, Gille Chism, Lewis Chism, Lillie Chism, Lucy Chism, Rosa Chism, Nellie Chism and John Chism, should be enrolled as witnesses by blood of the Cherokee Nation, in accordance with the provisions of section 21 of the act of Congress approved June 22, 1906 (34 Stat., 495), and it is so ordered.

Commission to the Five Civilized Tribes

(signed) Tom Hily
Chairman

(signed) F. L. Hedges
Commissioner

(signed) G. E. ...
Commissioner

(signed) V. E. ...
Commissioner

Dated at Muskogee, I.T.,

this 10th day of April 1908

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, SEP -8 1917, 191

I, E. B. Meritt, Assistant, Commissioner

of Indian Affairs, do hereby certify that the paper hereto attached

is a true copy of the original as the same

appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed, on the day and year first
above written.



J M W

E. B. Meritt
Assistant Commissioner

IN RE

Application for Enrollment of

INFANT CHILD

of

Walter H. ...

Approved

MAR 25 1902

[Handwritten signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN BE Half of the ... Nation,
 Name of Father ... Nation,
 Name of Mother ... Nation,
 Date of Birth ...

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA
 I, the undersigned, being the mother of the child named ...
 do hereby certify that the child was born to me ...
 at the place and date above stated ...
 and that the child is the legitimate child of the father named ...
 and of me ...
 Witness my hand and seal this ... day of ... 189...

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE

UNITED STATES OF AMERICA
 I, the undersigned, being the attending physician or midwife ...
 do hereby certify that I attended on Mrs. ...
 in the ... day of ...
 and that she delivered a child ...
 named ...
 Witness my hand and seal this ... day of ... 189...

It may be that the parties mentioned in your letter have relinquished
all or part of their rights as stated in the contract but this office has no record of

Commission of the Public Health Service
Division of the Bureau

NUM
1005

1500.
1507.
100

P 1581

(COPY)

DEPARTMENT OF THE INTERIOR,
Indian School Service.

U. S. Indian Training School,
Shawnee, Okla., May 23, 1902.

Commission to the Five Civilized Tribes,
Muscogee, Ind. Ter.

Gentlemen:

Replying to your letter of May 14, 1902, in which you ask that I advise you if certain Indian by the name of Chisholm and Lewis have been enrolled as members of the Shawnee tribe of Indians in Oklahoma, I have the honor to advise you that the list given below shows the allotments of these two families as allotted under this Agency. It may be that the parties mentioned in your letter have relinquished all of their rights as Absentee Shawnees but this office has no record of such relinquishment.

James Lewis, SE 1/4 of NE 1/4 of Sec. 3-9-3 E, Allottee No. 328
Sally Lewis, SE 1/4 of SW 1/4 of Sec. 12 and NE 1/4 and E 1/2 of the SW 1/4 of Sec. 12-10-3 E and lot 3 of NW 1/4 of Sec. 4-10-3 E, Allottee No. 328
Jim Lewis, NE 1/4 of NE 1/4 of Sec. 3-9-3 E, Allottee No. 328
Wesley Lewis, E 1/2 of Sec. 14-9-3 E, Allottee No. 328
Edward Lewis, E 1/2 of NE 1/4 of Sec. 12-9-3 E, Allottee No. 328
Flora Lewis, W 1/2 of NE 1/4 of Sec. 12-9-3 E, Allottee No. 328
Gus Lewis, E 1/2 of NW 1/4 of Sec. 12-9-3 E, Allottee No. 328
Charles Lewis, W 1/2 of NW 1/4 of Sec. 12-9-3 E, Allottee No. 328
Ira B. Lewis, SE 1/4 of Sec. 12-9-3 E, Allottee 328
Hester Lewis, E 1/2 of SW 1/4 of SE 1/4 of Sec. 12-9-3 E, Allottee No. 328
Susan Lewis, nee Fox, W 1/2 of Sec. 12-11-3 E, Allottee No. 48
So-be-se or Hester Chisholm, NE 1/4 SW 1/4 Sec. 12-10-3 E, Allottee No. 28
Wite-thak-ya-se Chisholm, SW 1/4 of SE 1/4 of Sec. 12-11-3 E, Allottee No. 28
Mary Chisholm, E 1/2 of SE 1/4 of Sec. 12-10-3 E, Allottee No. 27. (500)
Na-ee-la-see-se Chisholm, E 1/2 of SW 1/4 of Sec. 12-10-3 E, Allottee No. 27
Sallie Chisholm, W 1/2 of SE 1/4 and E 1/2 of SW 1/4 Sec. 12-10-3 E, Allottee
Lizzie Chisholm, SW 1/4 of NE 1/4 of Sec. 4-9-3 E, Allottee (No. 222.
(No. 112.
Ollie Chisholm, SW 1/4 of SE 1/4 of Sec. 4-9-3 E, Allottee No. 112.
Shawnee Chisholm, W 1/2 of SW 1/4 of Sec. 3-9-3 E and E 1/2 of SE 1/4 of Sec. 4-9-3 E, Allottee No. 267
So-ko-ian Chisholm, NE 1/4 of NE 1/4 of Sec. 4-9-3 E, Allottee No. 268
Therman Chisholm, NW 1/4 of SE 1/4 of Sec. 4-9-3 E, Allottee No. 111
Sateral Chisholm, SE 1/4 of SW 1/4 of Sec. 4-9-3 E, Allottee No. 112
Jemie Chisholm, E 1/2 of NE 1/4 of Sec. 12-9-3 E, Allottee No. 274.

Very respectfully,

Frank A. Thacker

Sgt. & Special Disturbing Agent.

Refer in reply to
the following:
Land
3834-1903.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, January 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to forward herewith a communication from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 12, 1903, in the matter of the application of James Lewis, et al., for enrollment as citizens of the Cherokee Nation now pending before the Commission.

The Chairman encloses copy of letter from Superintendent Theakery giving a list of members of the Lewis and Chishelm families who were allotted with the Absentee Shawnees.

The Chairman states that nearly all of the parties mentioned in said letter are applicants for enrollment as citizens by blood of the Cherokee Nation, and all of them except Sally Lewis No. 232, allege that they returned the patents to their allotments, which patents were cancelled and they relinquished all right and title in and to said allotments and returned to the Cherokee Nation some ten years ago.

He recommends that the Department advise the Commission whether it has any record of the cancellation of the patents and the relinquishment of the allotments as to the other persons named, in order that the same may be made to appear of record in the applications of such parties now pending before the Commission.

The records of this office show that the following allotments, of those mentioned, were relinquished and that the patents therefore were cancelled by the Department February 5, 1896;

No. 231, Jim Lewis,

No. 232, Ah-nah-gue-se-mo, or James Lewis.

The following patents, the names of the allottees not being included in Superintendent Thackery's letter, were cancelled at the same time;

No. 233, Hammie Lewis,

No. 234, Juytha Lewis,

No. 235, Martin Lewis,

No. 314, Nellie Lewis,

No. 45, Nah-tah-wa-pee-se, or Mrs. Charles Lewis,

No. 46, Nah-la-la-mah,

No. 47, Nah-ho-se-mo.

In an affidavit accompanying the relinquishments James Lewis made affidavit that his children, Hammie Lewis, Juytha Lewis, Martin Lewis and Ah-nah-gue-se-mo, or James Lewis, allotted as Absentee Shawnees, were the same persons as those entitled on the census rolls of the Cherokee Nation and who had been paid their per capita payments as citizens by blood, under the following names:

Hammie Lewis, Jeff Lewis (the same as Juytha) Hannah Lewis, (the same as Martin) and David Lewis (the same as Ah-nah-gue-se-mo or James Lewis).

Charles Lewis made affidavit that he was the husband of

Kah-tah-wa-pee-ee, or Alice Lewis (No. 48); that they had two children, then minors, Nai-la-la-mah or Jennie Lewis and Kah-to-ee-ee, or John Lewis, each of whom was allotted as an Absentee Shosonee; that his wife and minor children, as well as himself, were on the census roll of the Cherokee nation as citizens by blood at the time the allotments were made; and that each of them had received per capita payments from the Cherokee Nation.

James and Charles Lewis made joint affidavit that their mother, Cho-go-nell Lewis, was a full-blood Cherokee Indian and that she held an allotment as a Shosonee under the name of Nellie Lewis (No. 316).

The following allotments of these mentioned, were relinquished and the patents therefor were cancelled September 14, 1906;

No. 37, Mary Chisholm,

No. 107, Shosonee Chisholm.

Each of these two patentees relinquished because they were citizens of the Creek Nation.

No. 308, Lucy Chisholm,

No. 309, Ke-ke-lan Chisholm,

No. 310, Lizzie Chisholm,

No. 311, Thomas Chisholm,

No. 312, Ollie Chisholm,

No. 313, Samuel Chisholm.

Each of the last six patents were relinquished by Nancy L. Chisholm, mother and natural guardian, on the ground that each

allottee was a citizen of the Cherokee Nation.

No. 266, Sallie Chisholm.

It was stated that this allottee was a citizen of the CHICK Nation.

The following patents, the names of the allottees not being indicated in Superintendent Shackery's letter, were cancelled at the same time:

No. 315, Sallie Lewis,

No. 316, Lucy Chisholm.

No. 316 was relinquished by Sallie Lewis, mother and natural guardian. It was stated that Sallie Lewis and Lucy Chisholm were citizens of the Cherokee nation.

Patent No. 376, Jennie Chisholm was cancelled September 2, 1896, it having been relinquished by Susie Shab-shab, nee Tomahawk, No. 308, mother and natural guardian, for the reason that the patentee held no allotment at the Quapaw Agency as an Eastern Shawnee. The mother's patent was also cancelled for the same reason.

Of the other parties mentioned in the letter of Superintendent Shackery, the records show that Susan Lewis, No. 43, and Lester Lewis, citizen Pottawatomie Allottee No. 523 have sold all of their respective allotments.

The allotments of Hester Chisholm, Allottee Shawnee No. 36, and Wesley Lewis, No. 525, Ira N. Lewis No. 521, Charles Lewis, 524, Sam Lewis 526, Flora Lewis 527, and Ernest Lewis 528, citizens Pottawatomie, have not been sold cancelled.

-4-

The allotments of Wato-thah-pee-ee Chishalm No. 506 and
Ma-ee-la-pee-ee Chishalm No. 507, daughters of Charley Chishalm,
No. 505, have not been cancelled.

It is recommended that the enclosed copy of this letter be
forwarded for the information of the Commission.

Very respectfully,

A. C. TOMLIN,

Acting Commissioner.

JT.A.

C

D.C.3161-1903.

DEPARTMENT OF THE INTERIOR,

NAV.

ITD. 806-1903.

Washington, January 30, 1903.

LRS.

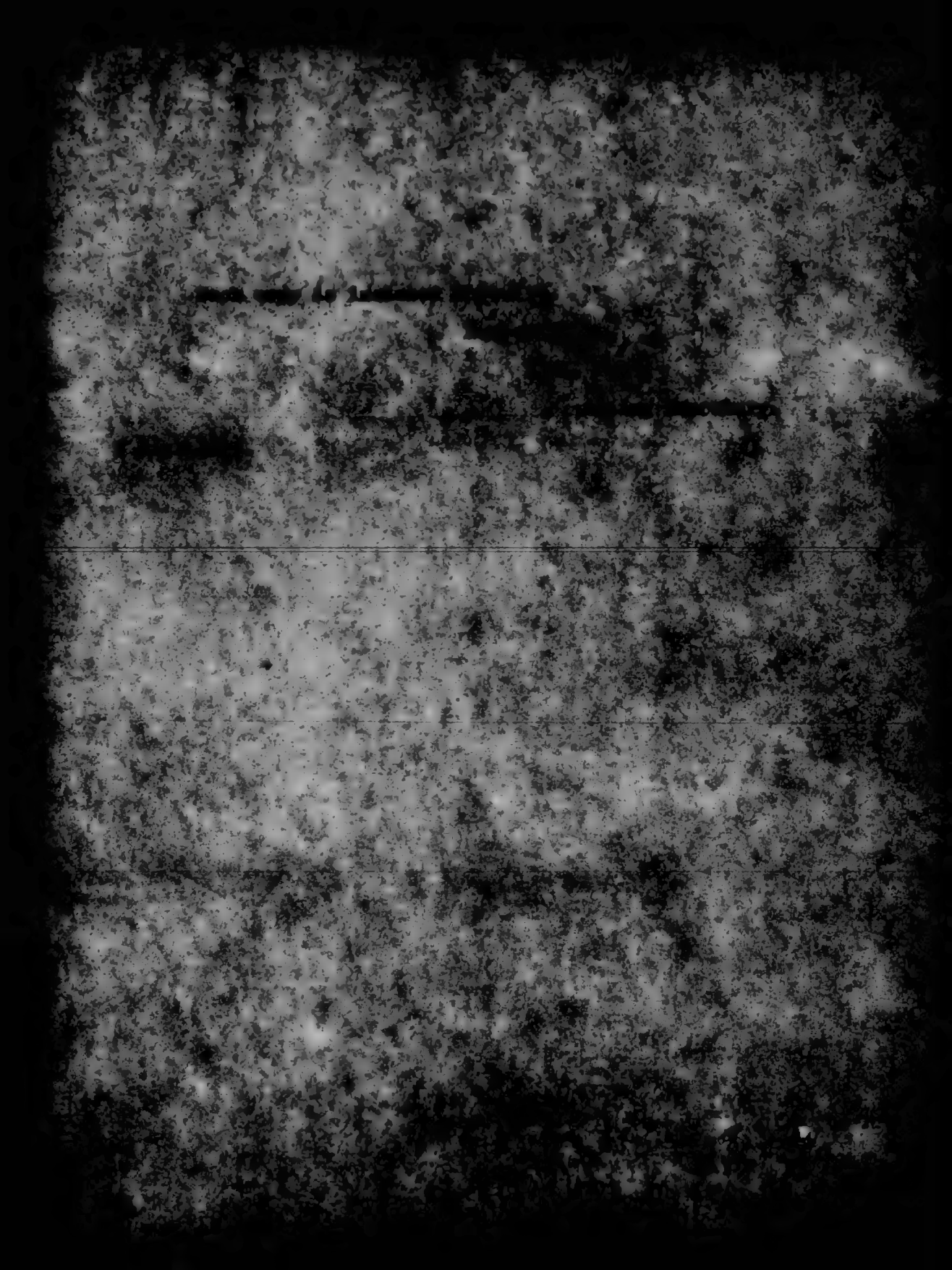
Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department is in receipt of the Acting Chairman's communication of January 13, 1903, in the matter of the application of James Lewis, et al. for enrollment as citizens of the Cherokee Nation with which was transmitted copy of a letter from the Superintendent and Special Disbursing Agent of the U. S. Indian Training School, Shawnee, O. T., from which it appears that a number of persons named therein took allotments of land among the Shawnees in Oklahoma. The Acting Chairman states that nearly all of said persons are applicants for enrollment as Cherokees, and that all, except one, allege that they returned the patents to their allotments, which were cancelled, and that they returned to the Cherokee Nation some ten years ago. He recommends that the Commission be advised whether the Department has any record of such cancellation, in order that a decision in the citizenship cases may be reached and the applications disposed of as speedily as possible.

Reporting in the matter January 27, 1903, the Acting Commissioner of Indian Affairs sets out fully the facts concerning the allotments made to the persons referred to, as disclosed by the records of the Indian Office, and he recommends that a copy of his communication be forwarded for the information of the Commission.



COPY.

Cherokee D.
1166-7-8, 1280-1
A 1244-9.

McKehee, Indian Territory, April 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting the applications of: James Lewis for the enrollment of himself, his wife, Sallie, and his eight minor children, Hattie, Jefferson, Runabout, David, Bird, Thompson, Jacob and Frank H. Lewis, and for three orphan children, Jennie, John and Hattie Lewis; Alice Chism for the enrollment of herself and her three minor children, James, Harry and Daniel Chism; Nancy Chishelm for the enrollment of herself and her five minor children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm; Lucy Chishelm for the enrollment of herself; Rose Chishelm for the enrollment of herself; and Sallie Chishelm for the enrollment of herself and her minor child, John Chishelm, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may

COPY.

-2-

desire to make against the action of the Commission in this case,
a copy of which protest you will be required to serve upon the
applicants. If you fail to file protest within the time allowed,
this decision will be considered final.

Respectfully,

Tams Bixby
Chairman.

Enc. 2-116

COPY.

Cherokee D-1261

Muskogee, Indian Territory, May 4, 1903.

Sallie Chisholm,

Turley, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting, among others, your application for the enrollment of yourself and your minor child, John Chisholm, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, E. J. Scott, Tecumseh, Oklahoma, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to

COPY

-3-

the Secretary of the Interior for his review and decision.
The action of the Secretary will be made known to you as soon
as the Commission is informed of same.

Respectfully,

Tamm Blinn

Chairman

No. M-2187

Register

COP.

Cherokee D-
1100-7-0, 1200-1
& 1300-0.

Waskagee, Indian Territory, May 4, 1903.

E. J. Scott,

Attorney for James Lewis et al.,

Tecumseh, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the consolidated case of James Lewis et al., together with a copy of the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Nellie, Fannie, Jefferson, Benabent, David, Bird, Thompson, Jacob, Frank E., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lissie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chisholm, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary

COPY:

22

of the Interior for his review and decision. The action of the
Secretary will be made known to you as soon as the Commission
is informed of same.

Respectfully,

James B. ...

Mr. ...

Register

COPY

Cherokee No.
1166-7-2, 1888-1,
& 1888-2.

Washoe, Indian Territory, May 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Commissioner of Indian Affairs' letter of February 24, 1903, (land 10472-1903), there is herewith transmitted the record of proceedings had in the consolidated case of James Lewis et al., together with the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Mamie, Jefferson, Humbert, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Fattie Lewis, Alice, James, Harry and Daniel Chism, and Henry, Webster, Linnie, Willie, Davis, Lillie, Sallie, John, Lucy and Ross Chishelm, as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tame Kirby

Chairman.

Enc. N-100

Through the
Commissioner of Indian Affairs.

COPY

Cherokee No.
1100-7-0, 1000-1,
& 1000-2

Wadagee, Indian Territory, May 4, 1903.

V. V. Hartings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been trans-
mitted to the Secretary of the Interior, for review, the record of
proceedings had in the consolidated case of James Lewis et al.,
together with the Commission's decision, dated April 10, 1903,
granting the application for the enrollment of James, Gullie,
Hannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank
P., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel
Chinn, and Nancy, Webster, Linnie, Ollie, Davis, Lillie, Nellie,
John, Lucy and Jessa Chisholm, as citizens by blood of the Cherokee
Nation, and the protest of the Cherokee Nation against said
decision, dated April 10, 1903.

The action of the Secretary will be made known to you as
soon as the Commission is informed of same.

Respectfully,

James Dixie
Commissioner

POOR ORIGINAL -
BEST AVAILABLE COPY

Refer in reply to the following :
Land. 63874-1903
70496-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Under date of February 22, 1897, Agent Thomas of the Sac and Fox Agency, Oklahoma, returned to this office absentee Shawnee patent No. 318, issued February 6, 1892, to Charles Chisholm for the E.1/2 of the NE/4 of S. 33, T. 10 N., R. 3 E., relinquished by Charles Chisholm on the ground that he was regularly enrolled as a Creek Indian. March 5, 1897, Agent Thomas was advised by this office that Charles Chisholm, allottee No. 318, was, when allotted in 1889, but four years of age and the son of Alice Chisholm, and that, therefore, the patent seemed to have been improperly delivered to Charley Chisholm. The patent was returned with an endorsement thereon, showing that the relinquishment was void, with instructions to deliver the patent to Alice Chisholm, the mother of the allottee. Under date of June 8, 1903, this office referring to departmental letter of May 18, 1903, (I.T.D. 4424), relative to the application of James Lewis, et al., for enrollment as Cherokee citizens, forwarded the record in the case of James Lewis, et al., applicants for Cherokee citizenship, which record included the application of Alice Chisholm for the enrollment of herself and her three minor children - James, Harry and Daniel Chisholm, as citizens by blood.

The record in the case showed that James Chishelm was identical with Charles Chishelm, Absentee Shawnee allottee No. 318, and Harry Chishelm with Tekah Chishelm, Absentee Shawnee allottee No. 319. In said report it was recommended that Alice Chishelm and Harry Chishelm be declared entitled to citizenship in the Cherokee Nation, upon condition that they relinquish their respective allotments as Absentee Shawnees. It was stated, however, that Alice Chishelm preferred to retain her Shawnee allotment.

Under date of October 2, 1903, the Commission to the Five Civilized Tribes returned to this office the patent, No. 319, issued to Tekah Chishelm for the W/2 of the NE/4 of S.33, T-10 N., R. 3 E., I.M., with a relinquishment endorsed thereon signed by Tekah Chishelm by Alice Chishelm, as mother and guardian, for the land covered thereby, the consideration being "that the said Tekah Chishelm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chishelm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation." This relinquishment was executed September 8, 1896. The Commission also enclosed the affidavit and relinquishment of Alice Chishelm for her son Charles Chishelm, in which she stated that she had never received patent for his

allotment as Absentee Shawnee.

October 26, 1903, Superintendent Thackery of the Shawnee Indian Training School transmitted to this office, at the request of S.J.Scott, attorney for the applicants, the patent No. 318, issued to Charles Chisholm, as above stated.

The relinquishments of Alice Chisholm, transmitted by the Commission, have been attached to this patent and is believed to be sufficient. It is recommended that the two patents be cancelled, provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

There is also forwarded the letter of the Commission to you dated October 2, 1903.

Very respectfully,

W.A.Jones,

Commissioner.

J.F.A.
H.S.R.

D.C.No. 4666-1904.
I.T.D. 4984,8006-1903
8090,8112-
8598,10679-

JP. FREE. LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 5, 1904.

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

Gentlemen:

The Department has considered the case involving the applications for the enrollment as citizens by blood of the Cherokee Nation, of James Lewis for himself, his wife, Sallie, and their minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis; of James Lewis for three orphan children, Jennie, John and Hattie Lewis; of Alice Chism for herself and minor children, James, Harry and Daniel Chism; of Nancy Chisholm for herself and minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm; of Sallie and minor son, John Chisholm; of Lucy Chisholm for herself; Chisholm for herself; and of Rosa Chisholm for herself, submitted with your letter of May 4, 1903.

It appears, as stated in your decision of April 10, 1903, in favor of all of the applicants, that

"James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is a child of Nannie Lewis by a white man. Jennie, John and Hattie Lewis are the orphan children of one Charles Lewis, who was a brother of said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Cecil Chism, deceased, who was a Creek Indian. Nancy Chisholm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm are her children by one Shawnee Chisholm, a Creek Indian. Sallie Chisholm is a full sister to James Lewis, and John Chisholm is her child by one Willie Chisholm.

a Creek Indian. Lucy Chishelm is a daughter of Sallie Chishelm; Rosa Chishelm is a daughter of Nancy Chishelm.

James, Sallie, Nannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chishelm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Hattie Lewis, James, Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chishelm are identified on the Cherokee strip payment roll of 1894; Thompson, Jacob and Frank H. Lewis and John Chishelm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein who were then alive are identified on the Cherokee census roll of 1896."

You further state that James Lewis, Sallie Lewis and their children, Nannie, Jefferson, Runabout, and David Lewis; Jennie and John Lewis; Alice Chism for herself and children, James and Harry Chism; Webster, Lizzie, Ollie and Davis Chishelm; Sallie Chishelm; Lucy Chishelm, and Rosa Chishelm, secured, as absentee Shawnees, allotments of land in the Pettawatomie country, Oklahoma; that it appears that all the applicant allottees except Alice, James and Harry Chism, relinquished, and their allotments were cancelled by the Secretary of the Interior in 1896. These allotments apparently were secured about 1890 or 1891. The allotments in Oklahoma of these allottees that have been cancelled were cancelled, it appears, because of the disavowal of the allottees of their Shawnee citizenship, and on account of their claims to Cherokee citizenship.

So far as Sallie Lewis is concerned, your decision is incorrect. She has not relinquished her allotment. The Sallie Lewis mentioned in the Indian Office letter of April 26, 1901, copy with the record in this case, as having relinquished her allotment, is not Sallie Lewis, wife of James Lewis.

It appears that the principal applicants in the several cases, excepting Lucy and Rosa Chishelm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the civil war. Lucy and Rosa Chishelm are the adult daughters of two of the applicants, born during said principal applicants' absence from the Cherokee Nation. The evidence shows that all the applicants returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank H. Lewis, and John Chishelm, who were born subsequent to the removal of their parents to the Nation in 1893. It is shown that all the applicants have been continuous residents of the Cherokee Nation since 1893, excepting those born subsequent to that time, they having resided in said nation continuously since birth.

It is shown that Sallie Lewis, wife of James Lewis, was readmitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof, on November 28, 1888, her children then born being minors.

Relinquishment has been made of the allotments of James and Harry Chism, which will be disposed of herein.

Referring to Section 21 of the act of June 28, 1898, (50 Stat., 496), which provides for the enrollment of-

"All persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted,"

You held that all the applicants are entitled to enrollment stating that it is presumed that the rights of Cherokee citizenship were not forfeited or abjured during their absence from the Cherokee

kee Nation and Indian Territory.

The Nation protests against your decision, contending that a great injustice will be done the Cherokee Nation if your decision is concurred in; that "these people" were away from the Cherokee Nation for thirty years; that they left the Nation when the war commenced, took with them their effects and left nothing behind, and became citizens of the absentee Shawnee reservation in Oklahoma, where they drew money and selected lands, evaded the burdens of citizenship in the Cherokee Nation, and now seek the benefits of the funds and common property of the Cherokee Nation without having been readmitted to citizenship in that nation.

The attorney for the nation calls attention to the fact that Sallie Lewis, wife of James Lewis, was readmitted to Cherokee citizenship in 1888, but that she was required to permanently locate in the Cherokee Nation within one year as a condition to her readmission. He contends that the fact that she was readmitted proves that it was necessary for all of the applicants to be readmitted; that while it is true the names of these people are upon the 1894 pay roll, the Department "is aware that the Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation."

In answer to these statements see opinion of the Assistant Attorney General of December 19, 1902, in the Benjamin F. Maxwell case, and decision of the Department of June 10, 1903, in the case of Martha Hill et al., and June 12, 1903, in the case of James W. Shirly et al.

Reporting in the matter of June 8, 1903, the Acting Commissioner of Indian Affairs states that the allotment of Sallie Lewis, wife of James Lewis, in Oklahoma, was sold to her. He does not agree with your conclusion as to Sallie Lewis, Alice, James and Harry Chism, they not having relinquished their allotments as absentee Shawnees. He states that Sallie Lewis did not remove to the Cherokee Nation within twelve months from the time of readmission, and that furthermore, she did not relinquish her allotment as an absentee Shawnee; that part of the allotment was sold by her to W.J. Riggs and the other part to Samuel J. Scott. He recommends that your decision declaring her entitled to enrollment as a Cherokee citizen be not approved. He reports that there is before the Indian Office a deed from Alice Chism, by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of the sum of \$1,100, and he holds that if she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation. He recommends, however, that, Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

On November 1, 1903, the Commissioner of Indian Affairs transmitted patent number 319, issued to Tokah, or Harry Chisholm, for land in Oklahoma, with a relinquishment endorsed thereon by Alice Chisholm, mother and guardian of Tokah Chisholm, the son-

sideration being -

"That the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation."

He also inclosed the affidavit and relinquishment of Alice "Chisholm", for her son Charles or James Chisholm, in which she stated that she had never received patent for his allotment as an absentee Shawnee.

It appears that on October 26, 1903, the Superintendent of the Shawnee Indian Training School transmitted to the Indian Office the patent, No. 318, issued to Charles or James Chisholm.

The Commissioner recommends that the two patents be cancelled provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

The citizenship in the Cherokee Nation of James, Harry and Daniel Chism (or Chisholm), their father being a Creek citizen, must depend upon the status of their mother. Unless she relinquishes her allotment in Oklahoma she can not be enrolled as a Cherokee, and neither can her children. Should she, however, relinquish her allotment in Oklahoma, the allotment to her and said children, James and Harry, should no objection then appear, will be cancelled, and authority will be given for their enrollment and of Daniel Chism (or Chisholm), as Cherokee citizens.

Your decision is hereby affirmed, except as to these particular persons, and as to Mallie Lewis. The relinquishment

of the allotments of James and Harry Chisholm will be held in the
Indian Office awaiting further action by Alice Chisholm (or Chis-
holm).

A copy of the Commissioner's letter of November 3, 1903,
is inclosed.

Respectfully,

(signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

Cherokee B 1144-7-
8, 1890-41, 1898-9

Muskogee, Indian Territory, February 18, 1904.

S. J. Scott,

Attorney for James Lewis, et al.,

Tucumseh, Oklahoma.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Fannie, Jefferson, Eunabent, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect in as much as it is shown that she did not relinquish her allotment as an Absentee Shosonee, but that she sold said allotment to W. J. Higgs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a copy

-4-

From Alice Quinn for the sale of her allotment as an American
Quinn for the sum of \$1,000.00; that if she is permitted to dispose
of this land she should not be enrolled as a citizen by blood of the
Shoshone Nation; and that the father of her children being a Creek
Indian, they can only claim through their mother. The citizenship of
Alice, James, Harry and Donald Quinn will not, therefore, be approv-
ed by the Department at this time, but will await the further action
of Alice Quinn as to the disposition of her American Quinn allot-
ment. A copy of the department's letter is herewith inclosed for
your information.

Respectfully,

Encl. V-68

Commissioner in Charge,

Waskagee, Indian Territory, February 18, 1904.

V. V. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Ebbie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H. , Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chiskelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect inasmuch as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a deed

From Alice Chism for the sale of her allotment as an Absentee
Minors for the sum of \$1100.00; that if she is permitted to dispose
of this land she should not be called as a citizen by blood of the
Cheyenne Nation; and that the father of her children being a Creek
Indian, they can only claim through their mother. The enrollment of
Alice, James, Harry and Donald Chism will not, therefore, be approved
by the Department at this time, but will await the further action
of Alice Chism as to the disposition of her Absentee (Minors) allot-
ment. A copy of the Department's letter is herewith inclosed for
your information.

Respectfully,

Encl. 7- 00

Commissioner in Charge.

Cherokee D 1261

Muskogee, Indian Territory, February 18, 1904.

Sallie Chishelm,

Turley, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 10, 1903, granting, among others, your application for the enrollment of yourself and your minor son, John Chishelm, as citizens by blood of the Cherokee Nation was affirmed by the Secretary of the Interior on February 8, 1904.

Respectfully,

Commissioner in Charge.

Cher 10383

Lucy Chisholm

Trans. from D1348

Cher 10383

MOLTER, C. C. JR.

6 10 1901

R. D. Jones
Notary Public.

1901

1901

1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., MARCH 25th, 1901.

In the matter of the application of James Lewis for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Lewis being sworn and examined by Commissioner T. B. Needles, testified as follows, through Interpreter Simon R. Walkington:

- Q What is your name? A James Lewis, about 48 years old; Turley post office.
- Q What district does he live in? A Coowescoowee.
- Q Is he a full blood Cherokee? A Yes, sir.
- Q Who does he want to enroll besides himself? A Himself, wife and children.
- Q What is his wife's name? A Sally.
- Q Is she a Cherokee by blood? A Yes, sir; part Cherokee and Shawnee.
- Q What was her name before he married her? A Ella.
- Q How old is she? A About 48.
- Q What are the names of his children? A Hattie, 21 years old Hattie is.
- Q Is she here? A No, sir; Jefferson, 18 years old; Runabout is the next one, 15 years old; David, is the next one.
- Q Well? A 15 years old; Bird, nine years old.
- Q Well next? A Thompson, five years old; Jacob, three years old.
- Q Is Sally the mother of all these children? A Yes, sir.
- Q Are they all living with him? A Yes, sir.
- Q Has he always lived in the Cherokee Nation himself? A He has only been in the Cherokee Nation eight years.
- Q Where has he been before that? A I lived among the Shawnees out in Oklahoma.

BY S. J. SCOTT, of Tecumseh, O. T., Attorney for Applicant:

- Q If he did not have a residence also in Coowescoowee district as far back as ten years ago? A Not to have a home; I really consider that my home was not; it has only been eight years that I have really had a home in that district.

BY COMMISSIONER NEEDLES:

- Q Where was he born? A In Canadian District.
- Q Is his name on the roll of 1880? A I think not; my wife's name is on the 1880 roll.
- Q Why is not his name on the 1880 roll? A It must be from the fact that I was not located at any permanent place; I was just here and there and not in this country at that time.

INTERPRETER: He says that he was admitted by the National Council during the administration of Joel Mayes as Chief, in 1890.

BY W. W. HASTINGS, Cherokee Representative:

- Q How old were you when you left the Cherokee Nation? A Why, I must have been along about eight years old.
- Q Then you left the Cherokee Nation before the war? A Yes, sir; just after the commencement of the war my parents, at the breaking out of the war, went out of the Cherokee Nation and went West.
- Q And you never did remove back here until about eight years ago? A Yes, sir.
- Q That is true is it? A Yes, sir.
- Q Where did you marry this woman? A Out there.
- Q In Muskogee? A Yes, sir; we really was not married until 1890.

James Lewis, et al.--2.

Q All these children born out there? A Three of our children were born in this country?

Q Ask him if the Shawnees out there in that Shawnee country did not take allotments? A Yes, sir, and I also got an allotment.

Q Got one for his wife? A Yes, sir.

Q And his children that were then born? A Yes, sir; these children that were born out there.

Q That country is a part of Oklahoma? A Yes, sir; he says that he relinquished his title to the land that they had given him; it was really without his consent he says; he said that he belonged to the Cherokee Nation and he returned the deed to the land; returned the deed to Washington City, to the Secretary of the Interior, he says.

Q The Shawnees that took allotment down there are what are known as Absentees? A I think so; they must have been; I could not say as to what class of Shawnees they were, but they were Shawnees.

Q Are you part Shawnee yourself? A No, sir.

Q Was your mother Cherokee? A Yes, sir.

Q Your father Cherokee by blood? A Yes, sir; that is what he stated.

Tribal Rolls of citizens of the Cherokee Nation examined and Applicants' names found thereon as follows:

1894 Pay Roll:

page 233 #2525,	James Lewis,	Cooweescoowee District.
Page 233, #2526,	Sallie Lewis,	" "
Page 233 # 2527,	Nannie Lewis,	" "
Page 233; #2528,	Jeff Lewis,	" "
Page 233, #2529,	Runabout Lewis,	" "
Page 233, #2530,	David Lewis,	" "
Page 233, #2532,	Bird Lewis,	" "

Com's Needles:--James Lewis applied for the enrollment of himself, his wife and seven children: His name is found upon the pay roll of 1894. The name of his wife, Sally, is also found upon the pay roll of 1894. The names of his children, Nannie, Jefferson, Runabout, David and Bird, are found upon the pay roll of 1894. Applicant says that he had two other children, Thompson and Jacob, whose names do not appear upon said roll, having been born since the said roll was compiled. Their names are not found upon the authenticated roll of 1886, neither do they appear upon the census roll of 1896? By reason of the facts as to the citizenship of said James Lewis, his wife, and family, final judgment as to the enrollment of said parties will be suspended and their names will be placed upon a doubtful card. It will be necessary for him to file with this Commission satisfactory proof of birth as to his two younger children, Thompson and Jacob.

--000000000--

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rossen

Subscribed and sworn to before me this 26th day of March, 1901.

(SEAL)

(Signed) H. D. Green

Notary Public.

I, Miss M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, do hereby state that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

Miss M. Nicholas

Subscribed and sworn to before me this December 4, 1902.

W. C. Donald
Notary Public.

on the 20th day of March, 1900. The applicant, this day appears in person and by his attorney, S. J. Scott.

COMMISSION: Is there any statement you desire to make relative to this application?

Mr. SCOTT: Well, sir, I was under the impression that everything that I would have to say would have to be put in written shape and filed, which I have done, reserving a copy for myself.

COMMISSION: Well, now, if you will just sign this it will answer the part of a brief, and we will file it in the case. The attorney for the applicant presents brief in the case, which will be filed and made a part of the record.

The agent for the applicant requests and will be granted ten days in which to furnish the Commission with evidence of the admission of James Lewis to citizenship in the Cherokee Nation.

The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the same is now deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur C. Croninger, do hereby certify that as stenographer

I, Elms M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

Elms M. Nicholas

-To be filed with Cher D. 1344.

D 1166

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 20, 1902.

In the matter of the application of James Lewis for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by S. J. Scott.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902. The applicant this day appears in person and by his attorney, S. J. Scott.

COMMISSION: Is there any statement you desire to make relative to this application?

Mr. SCOTT: Well, sir, I was under the impression that everything that I would have to say would have to be put in written shape and filed, which I have done, reserving a copy for myself.

COMMISSION: Well, now, if you will just sign this it will answer the part of a brief, and we will file it in the case. The attorney for the applicant presents brief in the case, which will be filed and made a part of the record.

The agent for the applicant requests and will be granted ten days in which to furnish the Commission with evidence of the admission of James Lewis to citizenship in the Cherokee Nation.

The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the case is now deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) Arthur G. Croninger

I, Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

Finis M. Nicholas

Subscribed and sworn to before me this December 4, 1902.

B. C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 25, 1902.

In the matter of the application of LUCY CHISHOLM, for the enrollment of herself as a citizen by blood of the Cherokee Nation.

LUCY CHISHOLM, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Lucy Chisholm.
Q How old are you? A Twenty-two.
Q What is your post office address? A Turley, I.T.
Q What district in the Cherokee Nation are you living in?
A Cooweescoowee.
Q Are you a Cherokee or a Shawnee? A Cherokee.
Q Have you any children? A No sir.
Q Do you apply only for yourself? A Yes sir.
Q What is the name of your father? A Charlie Chisholm.
Q Is he living or dead? A Living.
Q Is he a Cherokee? A He is a Creek.
Q What is the name of your mother? A Iuka Chisholm.
Q Is she living? A Yes sir.
Q Is she a Cherokee? A Yes sir.
Q What district does she live in? A Cooweescoowee.
Q Where were you born? A In Cooweescoowee, I reckon, that's where I have always lived.
Q Have you ever been outside the Indian Territory? A No sir.
Q Didn't you live over in Oklahoma with your mother for a long time? A Yes sir.
Q You have been living here in the Cherokee Nation about nine years now haven't you? A Yes sir.
Q Now isn't it also a fact that you were born in Oklahoma?
A Yes sir.
Q You never did live here until about nine years ago did you?
A About nine years.
Q How are you related to Jim Lewis? A He is my mother's brother, my uncle.
Q How are you related to Alice Chisholm? A Is that your aunt?
A Yes sir.
Q Is Jennie Lewis a cousin of yours? A Yes sir a cousin.
Q How are you related to Nancy Chisholm? A That's my aunt.
Q How are you related to Sallie Chisholm? A That's my mother.
Q Her maiden, or Indian name is Iuka and her English name Sallie?
A Yes sir.
Q Have you always lived with your mother? A Yes sir.
Q Did you take an allotment out there in the Shawnee reservation in Oklahoma? A Yes sir, I did take it but give it up.

--1894 roll, page 152, #796, Lucy Chisholm, Cooweescoowee District;

--Roll of 1880 and the census roll of 1896 examined and the applicant is not identified thereon.

Lucy Chisholm applies for the enrollment of herself as a Cherokee by blood. She is not identified on the roll of 1880 nor the census roll of 1896. She is duly identified on the Cherokee Strip Payment roll of 1894.

It appears from the testimony in this case that she was born in the Territory of Oklahoma, and lived there until about nine years ago, since which time she has been a resident of the Cherokee Nation. It further appears that her mother, together with her uncle and aunt, have heretofore applied to this Commission for enrollment as citizens by blood of the Cherokee Nation, and it is directed that

copies of all testimony had in the matter of the application of James Lewis, et al. which appears on Cherokee Roll Card Field No. D 1166, be filed with and made a part of the record in this case.

For the reason that the applicant is not identified upon the roll of 1880 and the census roll of 1896; and for the further reason that no satisfactory proof is made as to her residence in the Cherokee Nation, final judgment as to her enrollment will be suspended and her name placed upon a doubtful card.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E.C. Bagwell.

Subscribed and sworn to before me this June 28, 1902.

(Signed) P.G. Reuter,
✓ Notary Public.

600

Lona Merrick, on oath states, that she copied the above and foregoing testimony on the 27th day of February, 1904, and that the same is a true and complete copy of the above testimony.

Lona Merrick

Subscribed and sworn to before me this 27th day February, 1904.

Edward Merrick
Notary Public.

CHEROKEES BY BLOOD (AND ADOPTION)

Date June 25, 1908 1900.

Name

District Cherokee Year 1894 Page 152 No. 196

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ruby Johnson, Durin, 26

District Cherokee Year 1894 Page 152 No. 196

Citizen by blood yes full Mother's citizenship Charles Johnson - I - 1906

Intermarried citizen no James " I - 1906

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
<u>Cherokee</u>	<u>1894</u>	<u>152</u>	<u>196</u>	
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

On 1894 roll as Ruby Johnson

COPY.

Cherokee B-
1166-7-2, 1800-1
& 1844-2.

Muskogee, Indian Territory, April 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 12, 1904, in the consolidated case of James Lewis et al., granting the applications of James Lewis for the enrollment of himself, his wife, Nellie, and his eight minor children, Mamie, Jefferson, Eunabent, David, Bird, Thompson, Jacob and Frank H. Lewis, and for three orphan children, Jennie, John and Nettie Lewis; Alice Chism for the enrollment of herself and her three minor children, James, Harry and Daniel Chism; Nancy Chickels for the enrollment of herself and her five minor children, Webster, Lizzie, Ollie, Davis and Lillie Chickels; Lucy Chickels for the enrollment of herself; Rosa Chickels for the enrollment of herself; and Nellie Chickels for the enrollment of herself and her minor child, John Chickels, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may

COPY.

desire to make against the action of the Commission in this case,
a copy of which protest you will be required to serve upon the
applicant. If you fail to file protest within the time allowed,
this decision will be considered final.

Respectfully,

Tams Birby
Assistant

Enc. 2-116

copy

Cherokee D-1348

Muskogee, Indian Territory, May 4, 1903.

Lucy Chishelm,

Turley, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, B. J. Scott, Tecumseh, Oklahoma, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Cherokee Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

COPY.

-2-

Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

James Birby
Chairman

Enc. M-187

Register

Copy.

Cherokee No.
1100-7-0, 1000-1
& 1000-0.

Muskogee, Indian Territory, May 4, 1903.

E. J. Scott,

Attorney for James Lewis et al.,

Tecumseh, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the consolidated case of James Lewis et al., together with a copy of the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Hennie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Linnie, Ollie, David, Lillie, Sallie, John, Lucy and Rosa Chisholm, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary

COPY.

-2-

of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Jame Birby

Assistant

Form N-100

Register

005

Cherokee B-
1166-7-8, 1280-1,
& 1348-9.

Waskagee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Commissioner of Indian Affairs' letter of February 24, 1903, (land 10472-1903), there is herewith transmitted the record of proceedings had in the consolidated case of James Lewis et al., together with the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Nettie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lissie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chisholm, as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

[Signature]
Chairman.

Enc. B-190

Through the
Commissioner of Indian Affairs.

COPY

Chester B.
1100-7-0, 1200-1,
& 1300-0.

Mustagee, Indian Territory, May 4, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been trans-
mitted to the Secretary of the Interior, for review, the record of
proceedings had in the consolidated case of James Lewis et al.,
together with the Commission's decision, dated April 10, 1903,
granting the application for the enrollment of James, Gellie,
Hannie, Jefferson, Funsabout, David, Bird, Thompson, Jacob, Frank
K., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel
Chism, and Nancy, Webster, Lizzie, Gellie, Davis, Lillie, Gellie,
John, Lucy and Rosa Chisholm, as citizens by blood of the Cherokee
Nation, and the protest of the Cherokee Nation against said
decision, dated April 20, 1903.

The action of the Secretary will be made known to you as
soon as the Commission is informed of same.

Respectfully,

James Kirby
Commissioner

Refer in reply to the following :
Land. 63874-1903
70496-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, November 7, 1903.

The Honorable

The Secretary of the Interior.

Sir;

Under date of February 22, 1897, Agent Thomas of the Sac and Fox Agency, Oklahoma, returned to this office absentee Shawnee patent No. 318, issued February 6, 1892, to Charles Chisholm for the E. 1/2 of the NE 1/4 of S. 33, T. 10 N., R. 3 E., relinquished by Charles Chisholm on the ground that he was regularly enrolled as a Creek Indian. March 8, 1897, Agent Thomas was advised by this office that Charles Chisholm, allottee No. 318, was, when allotted in 1889, but four years of age and the son of Alice Chisholm, and that, therefore, the patent seemed to have been improperly delivered to Charley Chisholm. The patent was returned with an endorsement thereon showing that the relinquishment was void, with instructions to deliver the patent to Alice Chisholm, the mother of the allottee. Under date of June 8, 1903, this office referring to departmental letter of May 18, 1903, (I.T.D. 4424), relative to the application of James Lewis, et al., for enrollment as Cherokee citizens, forwarded the record in the case of James Lewis, et al., applicants for Cherokee citizenship, which record included the application of Alice Chisholm for the enrollment of herself and her three minor children - James, Harry and Daniel Chisholm, as citizens by blood.

The record in the case showed that James Chishelm was identical with Charles Chishelm, Absentee Shawnee allottee No. 318, and Harry Chishelm with Tekah Chishelm, Absentee Shawnee allottee No. 319. In said report it was recommended that Alice Chishelm and Harry Chishelm be declared entitled to citizenship in the Cherokee Nation, upon condition that they relinquish their respective allotments as Absentee Shawnees. It was stated, however, that Alice Chishelm preferred to retain her Shawnee allotment.

Under date of October 2, 1903, the Commission to the Five Civilized Tribes returned to this office the patent, No. 319, issued to Tekah Chishelm for the $\frac{1}{2}$ of the NE/4 of S.33, T-10 N., R. 3 N., I.N., with a relinquishment endorsed thereon signed by Tekah Chishelm by Alice Chishelm, as mother and guardian, for the land covered thereby, the consideration being "that the said Tekah Chishelm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chishelm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation." This relinquishment was executed September 8, 1896. The Commission also enclosed the affidavit and relinquishment of Alice Chishelm for her son Charles Chishelm, in which she stated that she had never received patent for his

allotment as Absentee Shawnee.

October 26, 1903, Superintendent Thackery of the Shawnee Indian Training School transmitted to this office, at the request of S.J.Scott, attorney for the applicants, the patent No. 318, issued to Charles Chisholm, as above stated.

The relinquishments of Alice Chisholm, transmitted by the Commission, have been attached to this patent and is believed to be sufficient. It is recommended that the two patents be cancelled, provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

There is also forwarded the letter of the Commission to you dated October 2, 1903.

Very respectfully,

W.A.Jones,

Commissioner.

J.F.A.
H.S.N.

D.C.No.4666-1904.

JP. PRE. LRS.

I.T.D. 4984,8006-1903

8090,8112- DEPARTMENT OF THE INTERIOR,
8598,10679- "

WASHINGTON, February 5, 1904.

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

Gentlemen:

The Department has considered the case involving the applications for the enrollment as citizens by blood of the Cherokee Nation, of James Lewis for himself, his wife, Sallie, and their minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis; of James Lewis for three orphan children, Jennie, John and Hattie Lewis; of Alice Chism for herself and minor children, James, Harry and Daniel Chism; of Nancy Chisholm for herself and minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm; of Sallie Chisholm for herself; and of Rosa Chisholm for herself, submitted with your letter of May 4, 1903.

It appears, as stated in your decision of April 10, 1903, in favor of all of the applicants, that

"James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is a child of Nannie Lewis by a white man. Jennie, John and Hattie Lewis are the orphan children of one Charles Lewis, who was a brother of said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Cecil Chism, deceased, who was a Creek Indian. Nancy Chisholm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm are her children by one Shawnee Chisholm, a Creek Indian. Sallie Chisholm is a full sister to James Lewis, and John Chisholm is her child by one Willie Chisholm.

a Creek Indian. Lucy Chisholm is a daughter of Sallie Chisholm; Rosa Chisholm is a daughter of Nancy Chisholm.

James, Sallie, Nannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chisholm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Katie Lewis, James, Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chisholm are identified on the Cherokee strip payment roll of 1894; Thompson, Jacob and Frank M. Lewis and John Chisholm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein who were then alive are identified on the Cherokee census roll of 1896."

You further state that James Lewis, Sallie Lewis and their children, Nannie, Jefferson, Runabout, and David Lewis; Jennie and John Lewis; Alice Chism for herself and children, James and Harry Chism; Webster, Lizzie, Ollie and Davis Chisholm; Sallie Chisholm; Lucy Chisholm, and Rosa Chisholm, secured, as absentee Shawnees, allotments of land in the Pottawatomie country, Oklahoma; that it appears that all the applicant allottees except Alice, James and Harry Chism, relinquished, and their allotments were cancelled by the Secretary of the Interior in 1896. These allotments apparently were secured about 1890 or 1891. The allotments in Oklahoma of these allottees that have been cancelled were cancelled, it appears, because of the disavowal of the allottees of their Shawnee citizenship, and on account of their claims to Cherokee citizenship.

So far as Sallie Lewis is concerned, your decision is incorrect. She has not relinquished her allotment. The Sallie Lewis mentioned in the Indian Office letter of April 26, 1901, copy with the record in this case, as having relinquished her allotment, is not Sallie Lewis, wife of James Lewis.

It appears that the principal applicants in the several cases, excepting Lucy and Rosa Chishelm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the civil war. Lucy and Rosa Chishelm are the adult daughters of two of the principal applicants, born during said applicants' absence from the Cherokee Nation. The evidence shows that all the applicants returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank H. Lewis, and John Chishelm, who were born subsequent to the removal of their parents to the Nation in 1893. It is shown that all the applicants have been continuous residents of the Cherokee Nation since 1893, excepting those born subsequent to that time, they having resided in said nation continuously since birth.

It is shown that Sallie Lewis, wife of James Lewis, was readmitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof, on November 28, 1888, her children then born being minors.

Relinquishment has been made of the allotments of James and Harry Chism, which will be disposed of herein.

Referring to Section 21 of the act of June 28, 1898, (30 Stat., 495), which provides for the enrollment of-

"All persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

You hold that all the applicants are entitled to enrollment stating that it is proved that the rights of Cherokee citizenship

kee Nation and Indian Territory.

The Nation protests against your decision, contending that a great injustice will be done the Cherokee Nation if your decision is concurred in; that "these people" were away from the Cherokee Nation for thirty years; that they left the Nation when the war commenced, took with them their effects and left nothing behind, and became citizens of the absentee Shawnee reservation in Oklahoma, where they drew money and selected lands, evaded the burdens of citizenship in the Cherokee Nation, and now seek the benefits of the funds and common property of the Cherokee Nation without having been readmitted to citizenship in that nation.

The attorney for the nation calls attention to the fact that Sallie Lewis, wife of James Lewis, was readmitted to Cherokee citizenship in 1888, but that she was required to permanently locate in the Cherokee Nation within one year as a condition to her readmission. He contends that the fact that she was readmitted proves that it was necessary for all of the applicants to be readmitted; that while it is true the names of these people are upon the 1894 pay roll, the Department "is aware that the Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation."

In answer to these statements see opinion of the Assistant Attorney General of December 19, 1902, in the Benjamin F. Maxwell case, and decision of the Department of June 10, 1903, in the case of Martha Hill et al., and June 12, 1905, in the case of James W. Shirley et al.

Reporting in the matter of June 8, 1903, the Acting Commissioner of Indian Affairs states that the allotment of Sallie Lewis, wife of James Lewis, in Oklahoma, was sold to her. He does not agree with your conclusion as to Sallie Lewis, Alice, James and Harry Chism, they not having relinquished their allotments as absentee Shawnees. He states that Sallie Lewis did not remove to the Cherokee Nation within twelve months from the time of readmission, and that furthermore, she did not relinquish her allotment as an absentee Shawnee; that part of the allotment was sold by her to W.J. Riggs and the other part to Samuel J. Scott. He recommends that your decision declaring her entitled to enrollment as a Cherokee citizen be not approved. He reports that there is before the Indian Office a deed from Alice Chism, by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of the sum of \$1,100, and he holds that if she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation. He recommends, however, that, Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

On November 7, 1903, the Commissioner of Indian Affairs transmitted patent number 319, issued to Takah, or Harry Chisholm, for land in Oklahoma, with a relinquishment endorsed thereon by Alice Chisholm, mother and guardian of Takah Chisholm, the son

sideration being -

"That the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation."

He also inclosed the affidavit and relinquishment of Alice "Chisholm", for her son Charles or James Chisholm, in which she stated that she had never received patent for his allotment as an absentee Shawnee.

It appears that on October 26, 1903, the Superintendent of the Shawnee Indian Training School transmitted to the Indian Office the patent, No. 318, issued to Charles or James Chisholm.

The Commissioner recommends that the two patents be cancelled provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

The citizenship in the Cherokee Nation of James, Harry and Daniel Chism (or Chisholm), their father being a Creek citizen, must depend upon the status of their mother. Unless she relinquishes her allotment in Oklahoma she can not be enrolled as a Cherokee, and neither can her children. Should she, however, relinquish her allotment in Oklahoma, the allotment to her and said children, James and Harry, should no objection then appear, will be cancelled, and authority will be given for their enrollment and of Daniel Chism (or Chisholm), as Cherokee citizens.

Your decision is hereby affirmed, except as to these particular persons, and as to Nellie Lewis. The relinquishment

of the allotments of James and Harry Chisholm will be held in the Indian Office awaiting further action by Alice Chism (or Chisholm).

A copy of the Commissioner's letter of November 7, 1903, is inclosed.

Respectfully,

(signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

Refer in reply to the following:
Land. 60692-1903
60694-1903.

CFL.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 15, 1904.

The Commission
to the Five Civilized Tribes.

Gentlemen:

Under date of September 17, 1903, you reported that Lucy Chisholm, daughter of Charley Chisholm, was listed for enrollment as a citizen of the Creek Nation with her father and that the application for her enrollment as a citizen of the Creek Nation was then pending before the Commission; that Charley and Lucy Chisholm were both identified on the Creek tribal rolls, Lucy appearing thereon as Lucy Chisholm, or Wah-sa-pe-es; that Nellie, daughter of Charley Chisholm, was not identified on the Creek tribal rolls under that name nor had any application been made for her enrollment as a citizen of the Creek Nation; that Lizzie, daughter of Charley Chisholm was identified on the Creek tribal rolls with her father and sister Lucy, as Lizzie Chisholm or Nars-la-ge-es; and that she was enlisted for enrollment as a citizen of the Creek Nation with her father, and the application was then pending before the Commission.

You added that from the similarity of the names Macelapease and Nars-la-ge-es, it is believed they are one and the same person.

Under date of September 18, 1903, the Commission informed this office that the name of Lucy Chisholm, aged 22 years, child of Charley and Liza Chisholm had been listed for enrollment as a

citizen by blood of the Cherokee Nation, and was included in the Commission's decision of April 10, 1903, granting the application for the enrollment of James Lewis et al., Cherokee D-1166, the record in which case being forwarded to the Department for review on May 4, 1903.

There were three persons by the name of Lucy Chisholm allotted as Absentee Shawnees, to-wit: No. 292, 28 years of age; No. 308, 10 years of age, the daughter of Shawnee Chisholm; No. 316, 9 years of age, the daughter of Sallie Lewis former wife of Charles Chisholm. The three patents have been cancelled.

There were also allotted Wah-thah-pea-se, No. 506, 8 years of age, and Na-ce-la-pea-see, No. 507, two years of age, both being daughter of Charley Chisholm, No. 505, whose allotment was cancelled on account of his adoption by the Wichita and affiliated bands.

From your two letters it would appear that Lucy Chisholm 22 years of age, child of Charley and Iyuka Chisholm, has been listed for enrollment as a citizen by blood of the Cherokee Nation; and that Lucy Chisholm, or Wah-sa-pe-se, has been listed for enrollment as a citizen of the Creek Nation.

If the same can be ascertained from your records, this office desires information as to whether the Charles Chisholm, former husband of Sallie Lewis, is the same person as Charley Chisholm, and whether the Lucy Chisholm, listed for enrollment as a citizen of the Cherokee Nation, is a daughter of the same Charley Chisholm as Lucy Chisholm, or Wahlapeace, listed for enrollment as a Creek citizen.

It may be added, that in 1897, Charles Chisholm, father and natural guardian of Wahthapease, or Ghisholm, and of Macella-pea-se, or Chisholm, relinquished the patents issued to said children on the ground that they were regularly enrolled on the authenticated census rolls of the Muskogee Nation as members of Little River Tulsa Town.

The patent of Lucy Chisholm, No. 316, was relinquished by Sallie Lewis, mother and natural guardian of the patentee, and was cancelled.

Very respectfully,

(Signed) A.C. Tonner,

Acting Commissioner.

J.F.A.(B).

Cherokee D 1348

Maskogee, Indian Territory, February 18, 1904.

Lucy Chisholm,
Turley, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 10, 1903, granting, among others, your application for enrollment as a citizen by blood of the Cherokee Nation was affirmed by the Secretary of the Interior on February 8, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 16, 1904.

S. J. Scott,

Attorney for James Lewis, et al.,
Tucumseh, Oklahoma.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Hattie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Hattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lissie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect in as much as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a good

from Alice Chism for the sale of her allotment as an Absentee Shawnee for the sum of \$1100.00; that if she is permitted to dispose of this land she should not be enrolled as a citizen by blood of the Cherokee Nation; and that the father of her children being a Creek Indian, they can only claim through their mother. The enrollment of Alice, James, Harry and Daniel Chism will not, therefore, be approved by the Department at this time, but will await the further action of Alice Chism as to the disposition of her Absentee Shawnee allotment. A copy of the department's letter is herewith inclosed for your information.

Respectfully,

Commissioner in Charge.

Encl. V-68,

Cherokee 3 1166-7-
8, 1898-91, 1848-9

Muskogee, Indian Territory, February 18, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lissie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 4, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect inasmuch as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to V. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is no file in the office of the Commissioner of Indian Affairs a deed

-2-

from Alice Chism for the sale of her allotment as an Absentee
Sharee for the sum of \$1100.00; that if she is permitted to dispose
of this land she should not be enrolled as a citizen by blood of the
Shoshone Nation; and that the father of her children being a Creek
Indian, they can only claim through their mother. The enrollment of
Alice, James, Harry and Daniel Chism will not, therefore, be approv-
ed by the Department at this time, but will await the further action
of Alice Chism as to the disposition of her Absentee Sharee allot-
ment. A copy of the Department's letter is herewith inclosed for
your information.

Respectfully,

Encl. V- 60

Commissioner in Charge.

Muskogee, Indian Territory, February 26, 1904.

The Honorable

The Commissioner of Indian Affairs.

Sir:

Receipt is hereby acknowledged of letter of February 15, (Land 60692, 60694-1903), calling attention to the Commission's letter of September 17, 1903, reporting that Charley and Lucy Chisholm, father and child, are identified on the Creek tribal rolls, Lucy appearing thereon as Wah-sa-pe-ee; that they have been listed for enrollment as citizens by blood of the Creek Nation and that their application is now pending before the Commission. Also calling attention to the Commission's letter of September 18, 1903, reporting that Lucy Chisholm, child of Charley and Iyuka Chisholm, had been listed for enrollment as a citizen by blood of the Cherokee Nation, and was included in the Commission's decision of April 10, 1903, granting the application for the enrollment of James Lewis et al., Cherokee D 1166, the record in which case was forwarded to the Department for review on May 4, 1903.

It is stated that three persons by the name of Lucy Chisholm have been given allotments as Absentee Shawnees, one being twenty-eight years of age, one ten years of age, the daughter of

Shawnee Chisholm, and one nine years of age, the daughter of Sallie Lewis, former wife of Charles Chisholm, and that the three patents have since been canceled; that an allotment has also been given to Wah-tahah-pea-se, eight years of age, daughter of Charley Chisholm, the said Charley Chisholm's allotment having been canceled on account of his adoption by the Wichita and affiliated bands.

It is requested that if the information can be obtained from the Commission's records, the Department be advised as to whether the Charles Chisholm, former husband of Sallie Lewis, is the same person as Charley Chisholm, and whether Lucy Chisholm, listed for enrollment as a citizen by blood of the Cherokee Nation, is the daughter of the same Charley Chisholm as Lucy Chisholm, or Wah-se-pe-es Chisholm, listed for enrollment as a citizen by blood of the Creek Nation.

In reply the Commission desires to state that an examination of its records discloses that in the application made April 29, 1901, for the enrollment, among others, of Charley Chisholm and his child, Lucy Chisholm, as citizens by blood of the Creek Nation, the mother of Lucy is given as Lyuka Chisholm, a Cherokee by blood. The child's age is given as sixteen years and she is identified upon the Creek tribal roll of 1898, Little River, Tulsa Town, as Wah-se-pe-es. There is no testimony in this case, the enrollment having been made from information.

In the application made June 25, 1902, by Lucy Chisholm for the enrollment of herself as a citizen by blood of the Cherokee Nation, Cherokee D 1348, she gives her age as twenty-two years, the name of her father as Charley Chisholm, a Creek citizen, and the name of her mother as Iyuka Chisholm, a Cherokee citizen.

In the application of Sallie Chisholm for the enrollment of herself and others as citizens by blood of the Cherokee Nation, Cherokee D 1281, she states that her Cherokee name is Iyuka; that her maiden name was Sallie Lewis; that she has been married twice, her first husband being Charley Chisholm and her second husband, Willie Chisholm, both Creek citizens. She also originally applied for the enrollment of her child, Lucy Chisholm, aged twenty-one years, but was advised that Lucy, being of age, would have to apply for herself.

It would appear, therefore, that Charles Chisholm, former husband of Sallie Lewis, now Sallie Chisholm, is the same person as Charley Chisholm; that Lucy Chisholm, listed for enrollment as a citizen by blood of the Cherokee Nation, is the daughter of the same Charley Chisholm as Lucy Chisholm, or Wah-co-pe-es, listed for enrollment as a citizen by blood of the Creek Nation; and while there is a difference of six years in the age, it is considered to be established beyond a doubt that Lucy Chisholm, the Cherokee citizen,

-4-

and Lucy, or Vah-sar-pas Chishola, the Greek citizen, are one and the same person, the difference of age being accounted for from the fact that she was listed for enrollment in the Greek Nation from information, and accurate knowledge as to her correct age was not obtained.

Respectfully,

Commissioner in Charge

Cherokee D-1348
Creek #4485.

Muskogee, Indian Territory, February 29, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, granting the application of Lucy Chisholm for the enrollment of herself as a citizen by blood of the Cherokee Nation, together with a copy of the Department's letter of February 5, 1904, affirming the Commission's decision. There is also enclosed a copy of the record in this case.

It appears that Lucy Chisholm has been listed for enrollment upon Creek card No. 4485, and that her application as a Creek citizen is still pending before the Commission.

Respectfully,

Enc. D-6.

Commissioner in Charge.

Cher 10384

Rosa Chisholm

Trans. from D1349

Cher 10384

PHOTO

SECRET
STATE DEPARTMENT
OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D.C.

SECRET
NOV 19 1950

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 25, 1902.

In the matter of the application of ROSA CHISHOLM, for the enrollment of herself as a citizen by blood of the Cherokee Nation:

ROSA CHISHOLM, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Rosa Chisholm.
Q How old are you ? A Twenty two.
Q What is your post office address ? A Turley, I. T.
Q What district in the Cherokee Nation are you living in ?
A Cooweescoowee.
Q Do you make application for the enrollment of yourself as a Cherokee by blood ? A Yes sir.
Q Are you a full blood Cherokee ? A Yes sir.
Q What is the name of your father ? A Shawnee Chisholm.
Q Is he living ? A Yes sir.
Q He is a Creek Indian isn't he ? A Yes sir.
Q What is the name of your mother ? A Nancy.
Q Is she living ? A Yes sir.
Q Is she a Cherokee ? A Yes sir a full blood.
Q Does she live in Cooweescoowee District ? A Yes sir.
Q Where were you born ? A Out in Oklahoma.
Q How long have you lived in the Cherokee Nation ? A Nine years.
Q Did you ever live here prior to that time ?
A I used to live in the Cherokee Nation.
Q How long ago ? A I don't remember.
Q Isn't it a fact that you lived and made your home in the Territory of Oklahoma continuously up until nine years ago ?
A Yes sir, I lived out there.
Q Have you been living here continuously for the past nine years ?
A Yes sir.
Q How are you related to Jim Lewis ? A He's my uncle.
Q How are you related to Alice Chisholm ? A That's my mother's sister; she's my aunt.
Q Are you a cousin of Jennie Lewis ? A Yes sir.
Q Are you a niece of Sallie Chisholm ? A Yes sir.

--The rolls of 1880 and of 1896 examined, and the name of the applicant does not appear thereon.

--The 1894 roll, page 165, # 1083, Rosa Chisholm, Cooweescoowee District;

Rosa Chisholm applies for the enrollment of herself as a citizen by blood of the Cherokee Nation. She is not identified on the roll of 1880 nor the census roll of 1896. It appears from the records of the Commission that her aunts and uncles have heretofore applied for enrollment as citizens by blood of the Cherokee Nation; and it is directed that the testimony had in the matter of the application of James Lewis, et al, whose names appear upon Cherokee roll card field No D 1166, be filed with and made a part of the record in this case.

By reason of the fact that the applicant is not identified upon the 1880 roll nor the census roll of 1896; and for the further reason that no satisfactory proof is made as to her residence in the Cherokee Nation, final judgment as to her enrollment will be suspended and her name placed upon a doubtful card.

By the Commission: Did you ever take an allotment over there in the Muskogee reservation in Oklahoma ? A Yes sir I did, but I give it up.

1. E. ... in this ... of ...
...
...
...
...

[Handwritten signature]

Witnessed and sworn to before me this 25th day of 1944.

[Handwritten signature]
Notary Public

CHEROKEES BY BLOOD AND ADOPTION

Boonescovee

Date: *June 25, 1908* 1908

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name *Rosa Johnson, Burley S. J.*

District *Boonescovee* Year *1894* Page *115* No. *1283*

Citizen by blood *yes full* Mother's citizenship *Shamne Johnson - l. ch.*

Intermarried citizen *no* *Stacey* " *l. ch.*

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

On 1894 will as Rosa Johnson.

VJS CR

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

In the matter of the application of James Lewis et al., for enrollment as citizens of the Cherokee Nation, consolidating the applications of:

James Lewis et al.,	Cherokee D-1166,
Jennie Lewis et al.,	• D-1167,
Alice Chism et al.,	• D-1168,
Nancy Chishelm et al.,	• D-1280,
Sallie Chishelm et al.,	• D-1281,
Lucy Chishelm,	• D-1348,
Rosa Chishelm,	• D-1349.

D E C I S I O N .

* * * * *

The record herein shows that applications were made to this Commission, for enrollment as citizens of the Cherokee Nation, by James Lewis for himself, his wife, Sallie, and their minor children, Hannie, Jefferson, Mansbout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis, as citizens by blood; by said James Lewis for three orphan children, Jennie, John and Mattie Lewis, as citizens by blood; by Alice Chism for herself and her three minor children, James, Harry and Daniel Chism, as citizens by blood; by Nancy Chishelm for herself and her minor children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm, as citizens by blood; by Sallie Chishelm for herself and her minor son, John Chishelm, as citizens by blood; by Lucy Chishelm for herself as a citizen by blood, and by Rosa Chishelm for herself as a citizen by blood of the Cherokee Nation.

The evidence shows that James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Hannie, Jefferson, Mansbout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is the child of Hannie Lewis by a white man. Jennie, John and Mattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Scoll Chism, deceased, who was a Creek Indian. Nancy Chishelm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm are her children.

by one Shawnee Chishelm, a Creek Indian. Sallie Chishelm is a full sister of James Lewis, and John Chishelm is her child by one Willie Chishelm, a Creek Indian. Lucy Chishelm is the daughter of Sallie Chishelm; Rosa Chishelm is a daughter of Nancy Chishelm. James, Sallie, Nannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chiam, Nancy, Webster, Ollie and Davis Chishelm are identified on the Cherokee census roll of 1890 and the Cherokee Strip payment roll of 1894; Bird and Mattie Lewis, James, Harry and Daniel Chiam, Lizzie, Lillie, Sallie, Lucy and Rosa Chishelm are identified on the Cherokee Strip payment roll of 1894; Thompson, Jacob and Frank H. Lewis and John Chishelm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein, who were then alive, are identified on the Cherokee census roll of 1896.

The evidence further shows that James Lewis for himself, his wife Sallie, and their minor children, Nannie, Jefferson, Runabout and David Lewis; Jennie and John Lewis, children of one Charles Lewis, deceased; Alice Chiam for herself and her minor children, James and Harry Chiam; Shawnee Chishelm for his minor children, Webster, Lizzie, Ollie and Davis Chishelm; Sallie Chishelm for herself; Lucy Chishelm for herself and Rosa Chishelm for herself, secured, as absentee Shawnees, allotments of land in the Pottawatomie country. It appears that all the applicant allottees, excepting Alice, James, and Harry Chiam, relinquished, and their said allotments were cancelled, by the Secretary of the Interior in 1896.

The evidence further shows that the principal applicants in the several cases herein, excepting Lucy and Rosa Chishelm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the war of the rebellion. The said Lucy and Rosa Chishelm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. It further appears that all the applicants herein returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank H. Lewis and John Chishelm, who were born subsequent to the removal of their parents to said nation in 1893. It further appears that all the applicants herein have been continuous residents in said nation since that time, excepting those born subsequent, they having resided in said nation continuously since birth.

The evidence further shows that Sallie Lewis, the wife of James Lewis, was admitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof on November 28, 1888, her children then born being minors.

Section 21 of the act of Congress approved June 25, 1898 (30 Stats., 495), provides for the enrollment of all persons now living whose names are found upon the 1880 authenticated roll and their descendants born since the date of said roll,

"and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; . . ."

The examination in the matter of their several applications was accomplished through an interpreter, speaking the Cherokee and English language. It is presumed that the rights of Cherokee citizenship were not forfeited or abjured during their absence from the Cherokee Nation and Indian Territory.

It is, therefore, the opinion of this Commission that James Lewis, Nellie Lewis, Emma Lewis, Jefferson Lewis, Amos Lewis, David Lewis, Mirt Lewis, Thompson Lewis, Jacob Lewis, Frank M. Lewis, Jennie Lewis, John Lewis, Mattie Lewis, Alice Chism, James Chism, Harry Chism, Daniel Chism, Nancy Chism, Webster Chism, Marie Chism, Alice Chism, David Chism, Lillie Chism, Lucy Chism, Rosa Chism, Nellie Chism and John Chism, should be served as citizens by word of the Cherokee Nation, in accordance with the provisions of section 21 of the act of Congress approved June 20, 1906 (34 Stat., 400), and it is so ordered.

Commission to the Five Civilized Tribes

(signed) Tom Riker
Chairman

(signed) T. E. Husted
Commissioner

(signed) G. E. Thompson
Commissioner

(signed) V. E. Hester
Commissioner

Dated at Muskogee, I.T.,

this Apr 10 1908

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I. T., February 4, 1905.

In the matter of the application of Rosa Chisholm for the enrollment of herself as a citizen of the Cherokee Nation by blood, Cherokee 10384.

SUPPLEMENTAL TESTIMONY.

Turner
JAMES F. TURNER, being sworn and examined by the Commission, testified as follows:

- Turner*
- Q What is your name? A James F. Turner.
Q What is your age? A 44.
Q What is your post-office? A Turley.
Q Do you know Rosa Chisholm? A Yes.
Q Is she a daughter of Shawnee and Nancy Chisholm? A Yes.
Q Is she married? A Yes.
Q What is the name of her husband? A George Spybuck.
Q Is he a citizen by Shawnee blood of the Cherokee Nation? A Yes.
Q When did they marry? A They married last September--1904, don't know the date.
Q Are they living together now? A Yes.

Stuart B. Stone, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the supplemental testimony in this case and that the above and foregoing is a true and complete copy of his stenographic notes thereof.

Stuart B. Stone

Subscribed and sworn to before me
this 4th day of February, 1905.

John
Notary Public.

In the name of the
great of the Republic

18384

IN RE

Application for Enrollment of
MINOR CHILD
Act of Congress Approved
April 26, 1906

as a citizen of

Nation

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

RECEIVED

JAN 25 1910

BIRTH AFFIDAVIT

DEPARTMENT OF THE INTERIOR.

Commissioner to the Five Civilized Tribes

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906

IN RE APPLICATION FOR ENROLLMENT as a citizen of the Cherokee Nation:
 of Nathaniel Chisholm, born on the 15th day of July 1923
 Name of Father: Walter Chisley, a citizen of the Cherokee Nation
 Name of Mother: Rosa Chisholm, a citizen of the Cherokee Nation
 Tribal enrollment of father: Cherokee Tribal enrollment of mother: Cherokee
 Postoffice: Wagon, Okla. Ter.

Affidavit of Mother.

UNITED STATES OF AMERICA, Indian Territory:
 Cherokee District
 I, Rosa Chisholm, on oath state that I am 26 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of Walter Chisley, a citizen of the Cherokee Nation; that a male child was born to me on the 15th day of July, 1923; that said child has been named Nathaniel Chisholm, and was living March 4, 1906.

WITNESS TO MARK:

Must be two witnesses

Rosa Spybuck
Mrs. Rosa Chisholm

Subscribed and sworn to before me this MAY 11 1906 day of

John A. Funch
Notary Public

Affidavit of Attending Physician or Mid-wife.

UNITED STATES OF AMERICA, Indian Territory:
 Cherokee District
 I, Alice Spybuck, a midwife, on oath state that I attended on Rosa Chisholm, wife of Walter Chisley, on the 15th day of July, 1923; that there was born to her on said date a male child; that said child was living March 4, 1906, and is said to have been named Nathaniel Chisholm.

WITNESS TO MARK:

(Must be Two Witnesses)

Gasper Chaney
Samuel Tucker

Alice Spybuck
midwife

Subscribed and sworn to before me this MAY 11 1906 day of

John A. Funch
Notary Public

COPY.

Cherokee B-
1166-7-8, 1200-1
& 1344-9.

Waukegee, Indian Territory, April 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Winita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting the applications of: James Lewis for the enrollment of himself, his wife, Nellie, and his eight minor children, Mennie, Jefferson, Runabout, David, Bird, Thompson, Jacob and Frank H. Lewis, and for three orphan children, Jennie, John and Mattie Lewis; Alice Chism for the enrollment of herself and her three minor children, James, Harry and Daniel Chism; Nancy Chishelm for the enrollment of herself and her five minor children, Webster, Lizzie, Ollie, Davis and Lillie Chishelm; Lucy Chishelm for the enrollment of herself; Ross Chishelm for the enrollment of herself; and Nellie Chishelm for the enrollment of herself and her minor child, John Chishelm, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may

COPY.

desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

James Birby
Special Agent

Enc. 2-116

COPY

Cherokee No-
1166-7-8, 1280-1
& 1342-9.

Muskogee, Indian Territory, May 4, 1903.

E. J. Scott,

Attorney for James Lewis et al.,

Tecumseh, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the consolidated case of James Lewis et al., together with a copy of the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Wannie, Jefferson, Manahout, David, Bird, Thompson, Jacob, Frank W., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Linnie, Ollie, Davis, Lillie, Sallie, John, Lucy and Essie Chishelm, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary

COPY.

-2-

of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tamie Blaby

Secretary

Enc. H-109

Register

COPY.

Cherokee D-1349

Muskogee, Indian Territory, May 4, 1903.

Rosa Chisholm,

Turley, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, in the consolidated case of James Lewis et al., granting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, S.J. Scott, Tecumseh, Oklahoma, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

COPY

-2-

Secretary will be made known to you as soon as the Commission
is informed of same.

Respectfully,

Tams Birby
Chairman.

Enc. M-106

Register

COPIE

Cherokee D-
1166-7-8, 1200-1,
& 1248-9.

Washoe, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Commissioner of Indian Affairs's letter of February 24, 1903, (land 10472-1903), there is herewith transmitted the record of proceedings had in the consolidated case of James Lewis et al., together with the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Hattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Gillie, David, Lillie, Sallie, John, Lucy and Rosa Chishelm, as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tame Dixby.

Chairman

Enc. N-170

Through the

Commissioner of Indian Affairs.

Cherokee B-
1100-V-8, 1200-1,
& 1300-9.

Waukegee, Indian Territory, May 4, 1903.

W. V. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the consolidated case of James Lewis et al., together with the Commission's decision, dated April 16, 1903, granting the application for the enrollment of James, Nellie, Hennie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Nattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Nellie, John, Lucy and Rosa Chisholm, as citizens by blood of the Cherokee Nation, and the protest of the Cherokee Nation against said decision, dated April 20, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Jame Dixon

Refer in reply to the following :
Land. 63874-1903
70496-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Under date of February 22, 1897, Agent Thomas of the Sac and Fox Agency, Oklahoma, returned to this office absentee Shawnee patent No. 318, issued February 6, 1892, to Charles Chisholm for the N. 1/2 of the NE 1/4 of S. 33, T. 10 N., R. 3 E., relinquished by Charles Chisholm on the ground that he was regularly enrolled as a Creek Indian. March 8, 1897, Agent Thomas was advised by this office that Charles Chisholm, allottee No. 318, was, when allotted in 1889, but four years of age and the son of Alice Chisholm, and that, therefore, the patent seemed to have been improperly delivered to Charley Chisholm. The patent was returned with an endorsement thereon showing that the relinquishment was void, with instructions to deliver the patent to Alice Chisholm, the mother of the allottee. Under date of June 8, 1903, this office referring to departmental letter of May 18, 1903, (I.T.D. 4424), relative to the application of James Lewis, et al., for enrollment as Cherokee citizens, forwarded the record in the case of James Lewis, et al., applicants for Cherokee citizenship, which record included the application of Alice Chisholm for the enrollment of herself and her three minor children - James, Harry and Daniel Chisholm, as citizens by blood.

The record in the case showed that James Chisholm was identical with Charles Chisholm, Absentee Shawnee allottee No. 318, and Harry Chisholm with Tekah Chisholm, Absentee Shawnee allottee No. 319. In said report it was recommended that Alice Chisholm and Harry Chisholm be declared entitled to citizenship in the Cherokee Nation, upon condition that they relinquish their respective allotments as Absentee Shawnees. It was stated, however, that Alice Chisholm preferred to retain her Shawnee allotment.

Under date of October 2, 1903, the Commission to the Five Civilized Tribes returned to this office the patent, No. 319, issued to Tekah Chisholm for the W/2 of the NE/4 of S.33, T-10 N., R. 3 E., I.M., with a relinquishment endorsed thereon signed by Tekah Chisholm by Alice Chisholm, as mother and guardian, for the land covered thereby, the consideration being "that the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation." This relinquishment was executed September 8, 1896. The Commission also enclosed the affidavit and relinquishment of Alice Chisholm for her son Charles Chisholm, in which she stated that she had never received patent for his

allotment as Absentee Shawnee.

October 26, 1903, Superintendent Thackery of the Shawnee Indian Training School transmitted to this office, at the request of S.J.Scott, attorney for the applicants, the patent No. 316, issued to Charles Chisholm, as above stated.

The relinquishments of Alice Chisholm, transmitted by the Commission, have been attached to this patent and is believed to be sufficient. It is recommended that the two patents be cancelled, provided the enrollment^{ment} of the patentees as citizens of the Cherokee Nation be approved.

There is also forwarded the letter of the Commission to you dated October 2, 1903.

Very respectfully,

W.A.Jones,

Commissioner.

J.F.A.
H.S.R.

D.C.No.4866-1904.

J.P. F.W. LRS.

I.T.D. 4984,8006-1903

8090,8112- " DEPARTMENT OF THE INTERIOR,
8598,10679- "

WASHINGTON, February 5, 1904.

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

Gentlemen:

The Department has considered the case involving the applications for the enrollment as citizens by blood of the Cherokee Nation, of James Lewis for himself, his wife, Sallie, and their minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis; of James Lewis for three orphan children, Jennie, John and Mattie Lewis; of Alice Chism for herself and minor children, James, Harry and Daniel Chism; of Nancy Chisholm for herself and minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm; of Sallie Chisholm for herself; and of Rosa Chisholm for herself, submitted with your letter of May 4, 1903.

It appears, as stated in your decision of April 10, 1903, in favor of all of the applicants, that

"James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is a child of Nannie Lewis by a white man. Jennie, John and Mattie Lewis are the orphan children of one Charles Lewis, who was a brother of said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Cecil Chism, deceased, who was a Creek Indian. Nancy Chisholm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm are her children by one Thomas Chisholm, a Creek Indian. Sallie Chisholm is a full sister to James Lewis, and John Chisholm is her child by one Willie Chisholm.

a Creek Indian. Lucy Chishelm is a daughter of Sallie Chishelm; Rosa Chishelm is a daughter of Nancy Chishelm.

James, Sallie, Nannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chishelm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Mattie Lewis, James, Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chishelm are identified on the Cherokee strip payment roll of 1894; Thompson, Jacob and Frank H. Lewis and John Chishelm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein who were then alive are identified on the Cherokee census roll of 1896 ."

You further state that James Lewis, Sallie Lewis and their children, Nannie, Jefferson, Runabout, and David Lewis; Jennie and John Lewis; Alice Chism for herself and children, James and Harry Chism; Webster, Lizzie, Ollie and Davis Chishelm; Sallie Chishelm; Lucy Chishelm, and Rosa Chishelm, secured, as absentee Shawnees, allotments of land in the Pettawatomic country, Oklahoma; that it appears that all the applicant allottees except Alice, James and Harry Chism, relinquished, and their allotments were cancelled by the Secretary of the Interior in 1896. These allotments apparently were secured about 1890 or 1891. The allotments in Oklahoma of these allottees that have been cancelled were cancelled, it appears, because of the disavowal of the allottees of their Shawnee citizenship, and on account of their claims to Cherokee citizenship.

So far as Sallie Lewis is concerned, your decision is incorrect. She has not relinquished her allotment. The Sallie Lewis mentioned in the Indian Office letter of April 26, 1901, copy with the record in this case, as having relinquished her allotment, is not Sallie Lewis, wife of James Lewis.

It appears that the principal applicants in the several cases, excepting Lucy and Rosa Chishelm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the civil war. Lucy and Rosa Chishelm are the adult daughters of two of the ^{principal} applicants, born during said principal applicants' absence from the Cherokee Nation. The evidence shows that all the applicants returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank H. Lewis, and John Chishelm, who were born subsequent to the removal of their parents to the Nation in 1893. It is shown that all the applicants have been continuous residents of the Cherokee Nation since 1893, excepting those born subsequent to that time, they having resided in said nation continuously since birth.

It is shown that Sallie Lewis, wife of James Lewis, was readmitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof, on November 28, 1888, her children then born being miners.

Relinquishment has been made of the allotments of James and Harry Chimm, which will be disposed of herein.

Referring to Section 21 of the act of June 28, 1896, (30 Stat., 495), which provides for the enrollment of-

"All persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted."

You hold that all the applicants are entitled to enrollment stating that it is presumed that the rights of Cherokee citizenship were not forfeited or abjured during their absence from the Cherokee

kee Nation and Indian Territory.

The Nation protests against your decision, contending that a great injustice will be done the Cherokee Nation if your decision is concurred in; that "these people" were away from the Cherokee Nation for thirty years; that they left the Nation when the war commenced, took with them their effects and left nothing behind, and became citizens of the absentee Shawnee reservation in Oklahoma, where they drew money and selected lands, evaded the burdens of citizenship in the Cherokee Nation, and now seek the benefits of the funds and common property of the Cherokee Nation without having been readmitted to citizenship in that nation.

The attorney for the nation calls attention to the fact that Sallie Lewis, wife of James Lewis, was readmitted to Cherokee citizenship in 1888, but that she was required to permanently locate in the Cherokee Nation within one year as a condition to her readmission. He contends that the fact that she was readmitted proves that it was necessary for all of the applicants to be readmitted; that while it is true the names of these people are upon the 1894 pay roll, the Department "is aware that the Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation."

In answer to these statements see opinion of the Assistant Attorney General of December 19, 1902, in the Benjamin F. Maxwell case, and decision of the Department of June 10, 1903, in the case of Martha Hill et al., and June 12, 1903, in the case of James W. Shirley et al.

Reporting in the matter of June 8, 1903, the Acting Commissioner of Indian Affairs states that the allotment of Sallie Lewis, wife of James Lewis, in Oklahoma, was sold to her. He does not agree with your conclusion as to Sallie Lewis, Alice, James and Harry Chism, they not having relinquished their allotments as absentee Shawnees. He states that Sallie Lewis did not remove to the Cherokee Nation within twelve months from the time of readmission, and that furthermore, she did not relinquish her allotment as an absentee Shawnee; that part of the allotment was sold by her to W.J. Riggs and the other part to Samuel J. Scott. He recommends that your decision declaring her entitled to enrollment as a Cherokee citizen be not approved. He reports that there is before the Indian Office a deed from Alice Chism, by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of the sum of \$1,100, and he holds that if she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation. He recommends, however, that, Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

On November 7, 1903, the Commissioner of Indian Affairs transmitted patent number 319, issued to Takah, or Harry Chisholm, for land in Oklahoma, with a relinquishment endorsed thereon by Alice Chisholm, mother and guardian of Takah Chisholm, the son-

sideration being -

"That the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation."

He also inclosed the affidavit and relinquishment of Alice "Chisholm", for her son Charles or James Chisholm, in which she stated that she had never received patent for his allotment as an absentee Shawnee.

It appears that on October 26, 1903, the Superintendent of the Shawnee Indian Training School transmitted to the Indian Office the patent, No. 318, issued to Charles or James Chisholm.

The Commissioner recommends that the two patents be cancelled provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

The citizenship in the Cherokee Nation of James, Harry and Daniel Chism (or Chisholm), their father being a Creek citizen, must depend upon the status of their mother. Unless she relinquishes her allotment in Oklahoma she can not be enrolled as a Cherokee, and neither can her children. Should she, however, relinquish her allotment in Oklahoma, the allotment to her and said children, James and Harry, should no objection then appear, will be cancelled, and authority will be given for their enrollment and of Daniel Chism (or Chisholm), as Cherokee citizens.

Your decision is hereby affirmed, except as to these particular persons, and as to Sallie Lewis. The relinquishment

of the allotments of James and Harry Chisholm will be held in the Indian Office awaiting further action by Alice Chism (or Chisholm).

A copy of the Commissioner's letter of November 7, 1903, is inclosed.

Respectfully,

(signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee B 1166-7-
8, 1898-91, 1848-9

Muskogee, Indian Territory, February 18, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Hennie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank K. Jennie, John and Hattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lissie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect inasmuch as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a deed

from Alice Chism for the sale of her allotment as an Absentee Sharee for the sum of \$2100.00; that if she is permitted to dispose of this land she should not be enrolled as a citizen by blood of the Cherokee Nation; and that the father of her children being a Creek Indian, they can only claim through their mother. The enrollment of Alice, James, Harry and Basil Chism will not, therefore, be approved by the Department at this time, but will await the further action of Alice Chism as to the disposition of her Absentee Sharee allotment. A copy of the Department's letter is herewith inclosed for your information.

Respectfully,

Encl. V- 69

Commissioner in Charge.

Cherokee B 1549

Muskogee, Indian Territory, February 18, 1904.

Rosa Caishelm,

Turley, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 10, 1903, granting, among others, your application for enrollment as a citizen by blood of the Cherokee Nation was affirmed by the Secretary of the Interior on February 5, 1904.

Respectfully,

Commissioner in Charge.

Cherokee B 1166-7-
8, 1200-01, 1248-9

Muskogee, Indian Territory, February 18, 1904.

S. J. Scott,
Attorney for James Lewis, et al.,
Tocumoch, Oklahoma.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Hattie, Jefferson, Bumbout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Mattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chishelm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 8, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chism.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect in as much as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a deed

from Alice Chism for the sale of her allotment as an Absentee
Sharee for the sum of \$1100.00; that if she is permitted to dispose
of this land she should not be enrolled as a citizen by blood of the
Cherokee Nation; and that the father of her children being a Creek
Indian, they can only claim through their mother. The enrollment of
Alice, James, Harry and Daniel Chism will not, therefore, be approv-
ed by the Department at this time, but will await the further action
of Alice Chism as to the disposition of her Absentee Sharee allot-
ment. A copy of the Department's letter is herewith inclosed for
your information.

Respectfully,

Encl. V-68

Commissioner in Charge.

6259-1910

Muskogee, Oklahoma, March 11, 1910.

Mrs. Rosa Spybuck,
Sperry, Oklahoma.

Madam:

I am in receipt of your letter of March 7, in which you state that you have never heard from this office in regard to your boy being put on the roll and would like to know what action will be taken in this matter.

In reply you are advised that it is presumed you refer to Nathaniel Chisholm, as there was received at this office on January 25, 1910, an application for his enrollment in the form of birth affidavit executed by you and Alice Spybuck on May 11, 1906.

The Act of April 28, 1906, providing for the enrollment of minor children of Cherokee citizens, stipulated that applications for such enrollment would be received for a period of ninety days, consequently, although your application was executed within the required time, it was not filed with this office until the date mentioned, and consequently received no consideration.

You are further advised that not only has the time within which this application might have been filed long since expired but the roll of citizens of the Cherokee Nation was closed on March 4, 1907, by operation of law, and since that time there is no authority, except in Congress, to add any name to said roll. This case, however, will be filed for reference in the event that any future action is taken under which the enrollment of your said child may receive consideration.

Respectfully,

Signed, Thos. Ryan,
Acting Commissioner.

WSDM(LS)

Cher 10385

Goldie Ballard

Trans. from D611

Cher 10385

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I. T. OCTOBER 16th, 1900.

IN THE MATTER OF THE APPLICATION OF SAMUEL A. BALLARD, for the enrollment of himself, his wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Samuel A. Ballard
Q How old are you? A Forty one.
Q What is your Postoffice? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A One fourth.
Q Whom do you desire to enroll? A Myself and family.
Q What is the name of your wife? A Minnie Ballard.
Q Is she a white person? A Yes sir.
Q When did you marry her? A In 1885.
Q Have you a certificate of marriage? A Yes sir.
The applicant presents a duly certified marriage license and certificate, certifying that he was married to one Minnie Potts, a white person, on the 3rd day of December, 1885, according to the laws of the State of Arkansas.
Q What are the names of your children? A Goldie is the oldest one.
Q How old is she? A Fourteen.
Q Next one? A DeAuburn.
Q How old is her? A Eleven.
Q What is the name of the next one? A Guy Raymond.
Q How old is he? A Six months.
Q Any other child? A No sir.
Q How long have you lived in the Cherokee Nation?
A All my life except five years.
Q Is your name on the roll of 1880? A Yes sir.
Q Is Minnie Potts your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Are these children all living and living with you at this time?
A Yes sir.
(1880 Roll, Page 227, #297, Sam Ballard, Delaware District)
(1896 Roll, Page 438, #258, Sam Ballard, Delaware District)
(1896 Rolls, Page 566, #65, Minnie Ballard, Delaware District)
(1896 Rolls, Page 438, #259, Goldie Ballard, Delaware District)
(1896 Roll, Page 438, #260, Deaubern Ballard, Delaware D'st)
Q Have you any proof of birth as to this youngest child? A Yes sir.
Q You say you have been out of the Territory? A yes sir.
Q For how long? A I lived out about five years.
Q Where? A In Arkansas.
Q How long ago was that? A I moved back two years ago.
Q Where were you born? A Born in the Cherokee Nation.
Q Do I understand you to say that you liven in the Cherokee Nation until five years ago? A Yes sir.
Q Then moved to the State of Arkansas and moved back two years ago?
A I moved back last March, a year ago.
Q Have you ever been readmitted by the Cherokee Council? A No sir.
Q Was your family with you? A Yes sir.
Q Were you living here in 1898; three years ago? I was living in Arkansas I guess.
Q Did you become a citizen of the State of Arkansas. I claimed this as my home; I always voted here.
Q Did you ever vote in Arkansas? A Yes sir.
Q Did you have property here all the time? A Yes sir.
Q What degree of blood have you? A One fourth.

The name of Samuel A. Ballard appears upon the authenticated roll of 1880, as well as the census roll of 1896, as Sam Ballard: He presents satisfactory proof of marriage to one Minnie Potts, a white person, in 1885, and her name appears upon the census roll of 1896 as Minnie Ballard: The name of his children, Goldie and DeAuburn Ballard, appear upon the census roll of 1896, and he presents satisfactory proof of the birth of his youngest child, Guy Raymond, six months of age, whose name does not appear upon the census roll of 1896.

He states that he was born in the Cherokee Nation, and lived here until about seven years ago, when removed to the State of Arkansas, and there became a citizen: He returned to the Cherokee Nation during the said time. He and his wife and children are all identified according to the page and number of the rolls, as indicated in the testimony, but by reason of his removal to the State of Arkansas, and not being a resident of the Cherokee Nation at the passage of the law known as the Curtis Bill, final judgment as to his enrollment will be suspended; and his name and the names of his children, Goldie, DeAuburn and Guy R. will be placed upon a doubtful card, as Cherokee citizens by blood; and the name of his wife, Minnie Ballard, as a Cherokee citizen by intermarriage.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me
this 17th day of October, 1900.

(Signed) T. B. Needles,
Commissioner.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly ~~transcribed~~ made the foregoing, and that the same is a true and correct copy of the original manuscript.

May Hudson

Subscribed and sworn to before me
this 29th day of March, 1904.

Samuel Forman
Notary Public.

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct. 16, 1900.

Name Samuel A. Ballard, Novata, I.T.

District Delaware Year 1880 Page 227 No. 297

Citizen by blood Yes, 1/4 Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Minnie Ballard, nee Potts

District Delaware Year 1896 Page 566 No. 65

Citizen by blood No Mother's citizenship _____

Intermarried citizen Yes

Married under what law _____ Date of marriage _____

License _____ *Substituted*

Names of Children:

Name	Dist.	Year	Page	No.	Age
Goldie Ballard	Delaware	1896	438	259	14
DeAuburn	"	1896	438	260	11
Guy R.	"	-	-	-	6 Mos
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

- 1 on 1880 roll as Sam Ballard
- 4 " 1896 " " Deaubern Ballard
- 5 Birth affidavit supplied.

(COPY)

SUPPLEMENTAL D-611.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Claremore, I.T. November 12th, 1900.

In the matter of the application of Samuel A. Ballard for enrollment of himself and children as Cherokee citizens. SUPPLEMENTAL -
SAMUEL A. BALLARD, being sworn testified before the Commission as follows:

- Q What is your name? A Samuel A. Ballard.
Q You are the applicant are you? A Yes sir.
Q What is your age? A 41.
Q What is your postoffice address? A Nowata.
Q You may make any statement that you desire in regard to this matter. A I came back in 1898 and sowed some wheat on my farm in the Cherokee Nation, and staid three months, but I didn't move back until in the spring, the spring of 1899.

Freeman Ballard called as a witness, sworn and testified as follows:

- Q What is your name? A Freeman Ballard.
Q What is your age? A 37.
Q What is your postoffice address? A Mayesville, Arkansas.
Q Are you a recognized citizen of the Cherokee Nation? Q Yes sir.
Q What relation are you to Samuel A. Ballard? A Brother.

By Mr. Ballard, the applicant:

- Q I want you to state that I did not leave here for good. ___ No response.

By Mr. Hastings the Cherokee representative:

- Q How far is Mayesville, Arkansas from the Cherokee line? A Right close, only a few feet. There is a road that runs through the town that forms the line, it runs right by the porches.
Q Has Samuel A. Ballard been living in Mayesville? A Yes sir.
Q What was he doing there? A Staying in a mill there.

By the Commission -

- Q Had his family with him there? A Yes sir.
Q How long did he live there? A Dont know exactly.

By Mr. Hastings -

- Q Does he own any property in Mayesville, A Yes sir.
Q The house and lot that he lived in while there? A Yes sir.
Q Does he own any property in the Cherokee Nation? A Yes sir, he has a farm here, always had it.

Q By the Commission:

- Q How far does he live now from the Arkansas and Cherokee line?
A About a quarter of a mile.
Q Then he only moved to Mayesville for the convenience to his work, he had always lived in the Cherokee Nation before had he? A Yes sir.
Q Was he born and raised in the Cherokee Nation? A Yes sir.

F. G. Hanes called and sworn as a witness, testified as follows:

(COPY)

- Q What is your name? A S. O. James.
Q What is your age? A 46.
Q What is your postoffice address? A Mayesville, Arkansas.
Q Are you a citizen of the state of Arkansas? A No sir of the Cherokee Nation.
Q What do you know of Samuel A. Ballard residing in the state of Arkansas? A Two years ago he was living there and working in a mill in Mayesville. He had been working in the mill before he left the Cherokee Nation and moved to Mayesville so as to be closer to his work and staid there something like a year or two. He had a farm over here all the time and received rents from it while he lived in Mayesville.
Q He voted over there in Arkansas didn't he? A I couldn't say.
Q Do you know that he voted over in the Indian Territory? A Yes sir.
Q How far does the Territory line lay from where he lived? A The town is right on the line.

H. C. Ballard, called and sworn as a witness and testified as follows

- Q What is your name? A H. C. Ballard.
Q What is your post office address? A Vinita.
Q Do you know the applicant here, Samuel A. Ballard? A Yes sir.
Q He is your brother is he not? A Yes sir.
Q What do you know about his being a resident of the State of Arkansas? A I know that he was living on a farm in the Territory and was working in a mill and to be closer to his work he moved to Mayesville, Arkansas which is right on the line. He has since then moved back here. Think he moved here some two years or so ago.
Q In the year 1898 he was in Arkansas was he not? A Yes sir I think so. He was in this country some of the time in 1898 and broke some land and put in a crop of wheat and then went back to Mayesville and staid until the next morning and moved here with his family.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 13th of November, 1900.

(Signed) T. B. Needles,
Commissioner.

I, the undersigned, state upon oath that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing a copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me
this 29th day of March, 1904.

May Hudson
Samuel Foreman
Notary Public.

(COPY)

Cher.
D-611 Supp'l

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, I.T., October 15, 1902.

In the matter of the application of SAMUEL A. BALLARD, for the enrollment of himself and his children, GOLDIE, DE AUBURN AND GUY R. BALLARD, as citizens by blood, and his wife, MINNIE BALLARD, as a citizen by intermarriage, of the Cherokee Nation.

MINNIE BALLARD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Minnie Ballard.
- Q What is your age at this time? A Thirty six.
- Q What is your postoffice? A Nowata.
- Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
- Q What is your husband's name? A Samuel A. Ballard.
- Q Is he living? A No sir.
- Q When did he die? A October 2, 1899.
- Q Was he a citizen by blood of the Cherokee Nation?
- A Yes sir.
- Q When were you married to Samuel A. Ballard?
- A In 1885.
- Q Were you ever married prior to your marriage to him?
- A No sir.
- Q Was he ever married prior to his marriage to you?
- A No sir.
- Q Did you and Samuel A. Ballard live together from the time of your marriage up to his death? A Yes sir.
- Q You never did separate? A No sir.
- Q Were you still a widow and a single woman on the first day of September, 1902? A Yes sir.
- Q Have you lived in the Cherokee Nation all the time since your marriage to Samuel A. Ballard in 1885 up to the present time?
- A No sir, I went to Arkansas.
- Q When did you go to Arkansas? A I don't know the date.
- Q What year? A Seven or eight years ago since I came back. We lived there five years, and we have been out of there four years in the spring. We moved back to the Cherokee Nation four years ago this coming spring; and we lived over there in Arkansas five years.
- Q Four years ago this coming spring would make it the spring of 1899 when you came back here, wouldn't it? A Yes sir, we lived there five years.
- Q Then did you go to Arkansas before the Strip Payment, or after?
- A Before.
- Q Did you draw in the Strip Payment? A Yes sir.
- Q You drew that after you moved to Arkansas? A Yes sir.
- Q You stayed there five years? A Yes sir, I think it was.
- Q Where were you in 1898? A In Arkansas.
- Q You want to be sure about it? A Well, you can count back. We lived there five years, and we have been out of there three years last spring.
- Q Are you sure about that? A Yes sir, I just didn't have the date.
- Q Are these children, Goldie, DeAuburn and Guy R. your children by your husband Samuel A.? A Yes sir.
- Q Are these children all living at this time? A Yes sir.
- Q Has their residence been the same as yours? A Yes sir.
- Q They went to Arkansas with you? A Yes sir.
- Q And came back when you did? A Yes sir.

Q You never had any residence here while you were in Arkansas?
You never had any home here while you were in Arkansas?

A All the time we did.

Q What did you have, a farm? A Yes sir.

Q What did you go to Arkansas for? A Well, my husband had business across the line, and we moved barely over across the line. You could almost throw a pebble from one place to the other. He was residing right on the line, right across the line, and I lived on the Arkansas side when I was a girl, and was married there.

Q Well, what business was your husband in when you were living in Arkansas? A He was in a store part of the time, and part of the time in a flour mill.

Q And the store and the flour mill were both on the Arkansas side of the line? A Yes sir.

Q What town? A Maysville, Arkansas.

Q And while he was in the store and in the mill, you and him lived in the town of Maysville, Arkansas? A Yes sir, we were across the line so we could be closer to his work.

Q How close was your farm to the town of Maysville?

A A mile and a half.

Q All the time you were in Maysville you never lived on the farm?

A No sir, we had it rented, and attended to the farm.

Q You kept house on the Arkansas side? A Yes sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this November 17, 1902.

(Signed) B. G. Jones,
Notary Public.

I, the undersigned, state upon oath that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy, and that the same is a true and correct copy of the original transcript.

May Hudson

Subscribed and sworn to before me this 12th day of April, 1904.

Samuel Foreman
Notary Public.

(COPY)

MARRIAGE LICENSE.
STATE OF ARKANSAS.
COUNTY OF BENTON.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING.

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony Between Mr. Sam Ballard of Maysville in the County of Benton and State of Arkansas, aged 26 years, and Miss Minnie Potts, of Maysville, in the County of Benton and State of Arkansas, aged 19 years, according to law and do you officially sign and return this License to the parties herein named.

WITNESS MY HAND AND OFFICIAL SEAL, this 3rd day of December, A.D. 1885.
(SEAL) (Signed) John Black, Clerk.

CERTIFICATE OF MARRIAGE.

State of Arkansas)
County of Benton)

I do hereby certify that on the 10 day of December A.D. 1885 I did duly and according to law, as commanded in the foregoing License solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 10 day of Dec., A.D. 1885.
(Signed) Elder Wm. Johnson.

CERTIFICATE OF RECORD.

State of Arkansas)
County of Benton)

I, John Black, Clerk of the Circuit Court, and ex officio Clerk of the County Court, and Recorder of said County, certify that the foregoing License for and Certificate of Marriage of Sam Ballard and Minnie Potts were on the 10 day of Dec. 1885, filed in my office, and the same are now duly recorded on page 5 of Book 54 of Marriage records.

Witness my hand and the seal of said County this 10 day of Dec., 1885.
(Signed) John Black. Clerk.

SEAL

Original filed in case of Samuel A. Ballard et al., D-611.

From a birth affidavit duly executed on the 13th day of October, 1900, and received by this Commission on the 16th day of October, 1900, it appears that Guy E. Hallard was born on the 25th day of April, 1900, and was living at the date of the execution of said affidavit. The same has been approved and filed with this Commission.

It is directed that a copy of this statement be filed with the testimony in the above case.

Commissioner.

D 111

RECEIVED
OCT 17 1900
MICHIGAN
STATE
COMMISSIONER
OF
LANDS

MISSISSIPPI

MISSISSIPPI

AMS

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

Muskogee, Indian Territory, March 3, 1902.

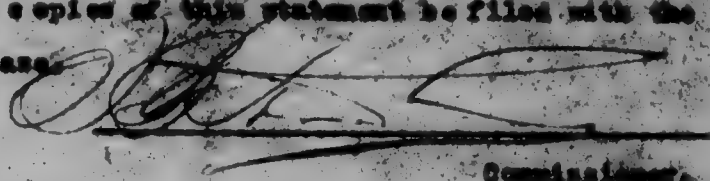
In the matter of the application of Samuel A. Ballard, et al.
for enrollment as Cherokee citizens.

Supplemental Statement.

--oO--

From a birth affidavit duly executed on the 13th day of October, 1900, and received by this Commission on the 16th day of October, 1900, it appears that Guy B. Ballard was born on the 26th day of April, 1900, and was living at the date of the execution of said affidavit. The same has been approved and filed with this Commission.

It is directed that copies of this statement be filed with the testimony in the above case.



Commissioner.

Cherokee D-611.

R

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

In the matter of the application of Samuel A. Ballard, Goldie Ballard, DeAuburn Ballard and Guy Raymond Ballard as citizens by blood, and for the enrollment of Minnie Ballard as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 16, 1900, Samuel A. Ballard appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his minor children, Goldie, DeAuburn and Guy Raymond Ballard as citizens by blood, and for the enrollment of his wife, Minnie Ballard, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Claremore, Indian Territory, on November 12, 1900, and again at Muskogee, Indian Territory, on October 15, 1902.

The evidence shows that Samuel A. Ballard was a citizen by blood of the Cherokee Nation, and is identified on the Cherokee Authenticated Tribal Roll of 1880, also the Cherokee Census Roll of 1896. His wife, Minnie Ballard, to whom he was lawfully married on the 10th day of December, 1885, is identified on the Cherokee Census Roll of 1896. The minor children, Goldie and DeAuburn Ballard, are also identified on the Cherokee Census Roll of 1896. Guy Raymond Ballard is identified by a certificate of birth, made a part of the record herein.

The evidence further shows that Samuel A. Ballard lived in the Cherokee Nation continuously until 1894, at which time he removed, with his family, to the State of Arkansas. He exercised the right of suffrage in said State, and they did not remove back to the Cherokee Nation until March, 1899. It is further shown that Samuel A. Ballard died on October 2, 1901, as evidenced by an affidavit of death, made a part of the record herein.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Goldie Ballard, DeAuburn Ballard and Guy Raymond Ballard as citizens by blood, and Minnie Ballard, as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

It is further ordered that the application for the enrollment of Samuel A. Ballard as a citizen by blood of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Dixie
Acting Chairman.

J. E. Neelico
Commissioner.

O. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

JAN 15 1903

this

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, DEC 10 1925, 19

I, E. B. Meritt, Assistant, Commissioner
of Indian Affairs, do hereby certify that the paper hereto attached
is a true copy of the original as the same
appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this office
to be affixed on the day and year first
above written.



E. B. Meritt
Assistant Commissioner

D. A.
RECEIVED
DEC 14 1925
NO. 1000
Subt. Five Civilized Tribes

IN RE

Application for Enrollment of
INFANT CHILD

Gay Raymond Ballard,
as a citizen of the

Shoreland

Nation.

Approved

1906

Oct 16 1906
R. H. G.
Commissioner.

RECEIVED
OFFICE OF THE
COMMISSIONER OF THE
LAND OFFICE
MONTANA
OCT 16 1906

Gay Raymond Ballard

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE Application for Enrollment, as returned by the _____

Nation.

of _____ born on the _____ day of _____

1,900.

Name of Father _____ citizen of the _____

Nation.

Name of Mother _____ citizen of the _____

Nation.

Post office _____

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA
INDIAN TERRITORY
Northern District

I, _____ do hereby depose and swear that I am _____

years of age and a citizen, by _____ of the _____ Nation

that I am the lawful wife of _____ who is a citizen, by

_____ of the _____ Nation that a _____ child was

born to me on the _____ day of _____ that said child has been

named _____ and is now living.

Subscribed to and sworn to before me this _____ day of _____

Minnie Bullard

(Used by For-
warders)

Subscribed and sworn to before me this _____ day of _____

1900

by Commissioner of the _____

W. A. Case
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA
INDIAN TERRITORY
Northern District

I, _____ do hereby depose and swear that I

attended on Mrs. _____ wife of _____

on the _____ day of _____ that there was born to her on

said date a _____ child that said child is now living and is said to have been

named _____

Subscribed to and sworn to before me this _____ day of _____

J. P. Linnick, M.D.

(Used by For-
warders)

Subscribed and sworn to before me this _____ day of _____

1900

W. A. Case
NOTARY PUBLIC

(COPY)

Cher. D-811.

Muskogee, Indian Territory, June 20, 1902.

E. B. Lawson, Esq.,
Attorney at Law,
Nowata, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, requesting a copy of the testimony had in the matter of the application of Sam Ballard for the enrollment of himself and family as members of the Cherokee Tribe of Indians in Indian Territory.

You will find the same enclosed herewith.

Yours truly,

Commissioner in Charge

Encl. C-86 1/2.

(MH)

(COPY)

Cherokee D-611

Muskogee, Indian Territory, September 20, 1902.

Minnie Ballard,

Nowata, Indian Territory.

Dear Madam:

The Commission is informed that Samuel A. Ballard, who was an applicant before this Commission on October 16, 1900, for enrollment as a citizen of the Cherokee Nation, has died since the date of such application.

There is enclosed you herewith a blank form of affidavit, and if this information is correct, you are requested to have the affidavit properly executed and return to the Commission as promptly as possible, in order that the death of Samuel A. Ballard may be shown upon the Commission's records.

Respectfully,

Acting Chairman.

Enc. B-65

(MH)

(COPY)

Cherokee D-611.

Muskogee, Indian Territory, January 23, 1903.

Minnie Ballard,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of supplemental proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your husband, Samuel A. Ballard, and your three minor children, Galdie, DeAuburn and Guy R. Ballard, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated January 15, 1903, rejecting your application for the enrollment of yourself and children, and dismissing your application for the enrollment of your husband, he having died on October 2, 1901.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman

Enc. V-110
Register.

(MH)

(COPY)

Cherokee D-611

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Winnie Ballard for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her husband, Samuel A. Ballard, and three children, Goldie, DeAuburn and Guy R. Ballard, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated January 15, 1903, rejecting said application.

Respectfully,

(Signed) Tama Bixby,

Acting Chairman.

Enc. M-3110

Through the

Commissioner of Indian Affairs.

(MH)

(COPY)

Cherokee D-611.

Muskogee, Indian Territory, January 23, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, rejecting the application of Minnie Ballard for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children, Goldie, DeAuburn and Guy R. Ballard, as citizens by blood of said Nation, and dismissing her application for the enrollment of her husband, Samuel A. Ballard, he having died October 2, 1901.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tamy Dixby,

Acting Chairman

Enc. M-2110
(MH)

Refer in reply to
the following:

Land
5100-1908.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Feb'y. 12, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 23, 1908, forwarding, for the Department's consideration, the record relative to the application of Minnie Ballard, for the enrollment of herself as a citizen by intermarriage, and the enrollment of her husband, Samuel A. Ballard, and three minor children, Goldie, Daburn and Guy R. Ballard, as citizens by blood of the Cherokee Nation.

January 18, 1908, the Commission held that the applicants above named, except Samuel A. Ballard, were not entitled to enrollment as citizens of the Cherokee Nation, and Samuel A. Ballard having died October 2, 1901, the Commission dismissed the application as to him.

The record in this case shows that Samuel A. Ballard was a citizen by blood of the Cherokee Nation; that his name appears on the 1890 tribal roll, and also on the 1900 Census roll. He was lawfully married to Minnie Ballard on December 19, 1892. Her name appears on the Census roll of 1900.

Geldie and DeAuburn Ballard are identified by the 1896 Census roll. Guy R. Ballard was born subsequent to the date of said roll, and is properly identified by a birth affidavit.

The record further shows that Samuel A. Ballard lived in the Cherokee nation until 1894, at which time he removed, with his family, to the State of Arkansas. He voted in that State and did not return to the Cherokee nation until March 18, 1899.

The Commission quote from section 21 of the Curtis act, as follows:

"no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship and held, as above stated, that the applicants were not entitled to enrollment.

Samuel A. Ballard was born within the limits of the Cherokee Nation, and the rights of the other applicants depend upon whether he would be entitled to enrollment as a citizen of the Cherokee Nation, if living.

In connection with this case attention is invited to Department letter of January 24, 1903 (ITD 8052), in the Milton C. Smith case. In that case the Department held that "the mere fact that he was absent from the country for a space of possibly two years immediately prior to his death is not sufficient to justify the conclusion that he had abjured his citizenship."

The office understands from this holding that it is incumbent upon the Cherokee Nation to show that the applicant did, in fact, become a citizen of some other government. The Cherokee Constitution

declares that a citizen forfeits his rights of citizenship by removing from the Nation with his effects and becoming a citizen "of any other government."

The Act of Congress approved February 8, 1857, (24 Stats., 388-390), provides that-

"every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act or any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property."

Assistant Attorney General Little, in an opinion dated September 10, 1896, said: "I am therefore of the opinion that the freedmen of the Cherokee Nation could only become citizens of the United States by naturalization, or by putting themselves within the provisions of the Act of February 8, 1857, (supra.), and in the latter event would not thereby be deprived of participating in the distribution of the fund awarded by the judgment of the Court of Claims aforesaid."

Samuel A. Ballard exercised the right of suffrage in the State of Arkansas. There is nothing in the record which shows that he took the oath of allegiance to the United States Government, and unless by removing to the State of Arkansas and adopting the habits of civilized life he became a citizen of that state, he did not have the right to vote within the limits of the State. The act of voting,

the office does not believe, is of itself sufficient to declare that he became a citizen of the State of Arkansas, and thus expatriated his citizenship in the Cherokee Nation. Even if he did become a citizen of the State of Arkansas, under the provisions of the act of 1887 he did not, under the holding of Assistant Attorney General Little, lose his right to participate in the distribution of the Cherokee property, unless such right has become barred by legislation enacted subsequent to the date of that opinion.

The only law enacted since June 10, 1896, that would have any tendency to bar Samuel A. Ballard's right to enrollment is that contained in the Curtis Act quoted by the Commission, and the office does not believe that it was the intention of Congress to prevent Cherokee or other citizens from enrollment who had prior to the date of said act established a residence in the Cherokee Nation, and who had also previous to said date removed from the Nation. Section 8 of the act of February 8, 1887, specifically declares that its provisions shall not extend to the Territory occupied by the Cherokee, Creek, Choctaw, Chickasaw, Seminole and other tribes mentioned therein. It may be that the provisions of the act are applicable to the citizens of the Cherokee Nation who removed from the Nation and adopted the habits of civilized life but, even if they are, under the holding of Assistant Attorney General Little, Samuel A. Ballard, if living, would not be barred from enrollment unless barred by the provisions of the Curtis act. Section 21 of the Curtis act specifically declares that all Cherokee citizens whose names appear on the 1880 roll

shall be enrolled as citizens of that Nation and, in view of the foregoing, and considering that the record does not show that Samuel A. Ballard removed from the Cherokee Nation and became a citizen of the State of Arkansas, this office is of the opinion that he would be entitled to enrollment as a citizen of the Cherokee Nation if living. If the position of the office is correct, his wife and minor children are entitled to enrollment. It is therefore respectfully recommended that the decision of the Commission adverse to the applicants be not approved, and that the Commission be directed to enroll as citizens by blood of the Cherokee Nation, Goldie, DeAuburn and Guy R. Ballard, and also to enroll as a citizen by intermarriage of that Nation, Minnie Ballard:

Very respectfully,

Commissioner.

D.C. 23185-1903.

ITD 1816-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.P.
CMR.
August 16, 1903.

The Commission to
the Five Civilized Tribes.

Gentlemen:

February 13, 1903, the Acting Commissioner of Indian Affairs submitted your report relative to the application of Minnie Ballard for the enrollment of herself as a citizen by intermarriage and the enrollment of her husband, Samuel A. Ballard, and three minor children, as citizens by blood of the Cherokee Nation, and recommending that your decision adverse to the applicants be not approved. A copy of his letter is inclosed.

It is directed that you advise the principal applicant and the attorneys for the Cherokee Nation of the recommendation of the Indian Office, and that 30 days from the date of such notice will be allowed in which to file any argument they desire and that notice of such argument must be served upon the opposite party. So far as the Acting Commissioner's referring to the Act of February 8, 1887 (24 Stat., 388), is concerned, attention is called to the opinion of the Assistant Attorney General for the Department of April 18, 1903, copy of which was sent to you April 24, 1903.

Respectfully,

M. W. Miller,

Acting Secretary.

1 inclosure.

(COPY)

Cherokee D-611

Muskogee, Indian Territory, August 29, 1903.

Minnie Ballard,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of departmental letter of August 16, 1903, in regard to your application for the enrollment of yourself as a citizen by intermarriage and for the enrollment of your husband, Samuel A. Ballard, and your three minor children, Goldie, DeAuburn and Guy R. Ballard, as citizens by blood of the Cherokee Nation.

In accordance with the instruction contained in said letter you are advised that you will be allowed thirty days from the date of this notice in which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire. You will be required to furnish the attorney for the Cherokee Nation a copy of your argument.

Respectfully,

Chairman.

Enc. D-200.

(MH)

(COPY)

Cherokee D-611

Muskogee, Indian Territory, August 29, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of August 16, 1903, in regard to the application of Minnie Ballard for the enrollment of herself as a citizen by intermarriage and for the enrollment of her husband, Samuel A. Ballard, and her three minor children, Goldie, DeAuburn and Guy R. Ballard, as citizens by blood of the Cherokee Nation.

In accordance with the instructions contained in said letter you are advised that you will be allowed thirty days from the date of this notice in which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire. You will be required to furnish the applicant a copy of said argument.

Respectfully,

Chairman.

Enc. D-201.

(MR)

COPY.

W.W.Hastings, Burt Van Leuven.
Law Office of
Hastings & Van Leuven
Tahlequah, I.T.

Collection Department
well equipped and guarantee-
ing prompt, vigorous and effi-
cient service.....
Burt Van Leuven, Attorney.

Tahlequah, I.T. 9/28-03.

W.D.Humphrey,

Nowata, I.T.

Dear Sir:

I take pleasure in herewith acknowledging receipt of a copy
of your brief filed with the Commission to the Five Civilized
Tribes in the case of Minnie Ballard et al. and service of notice
and filing is acknowledged.

Yours truly,

W.W.Hastings,

Atty for Cher. Nat.

(copy)

Cherokee D-611

Muskogee, Indian Territory, October 2, 1903.

W. D. Humphrey,

Attorney for Minnie Ballard et al.,

Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of September 24, enclosing argument in Cherokee D-611, Minnie Ballard et al., and said argument has this day been transmitted to the Secretary of the Interior.

Respectfully,

Chairman.

(MH)

(COPY)

Cherokee d-611

Muskogee, Indian Territory, October 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of August 18, 1903,
(ITD. 1516-1903), there is herewith transmitted argument of attorney for the applicants in Cherokee D-611, Minnie Ballard et al.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

Enc. D-10

(MH)

(COPY)

Cherokee D-611

Muskogee, Indian Territory, October 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed for your attention, copy of argument of attorney for the applicants in Cherokee D-611, Minnie Ballard et al.

Respectfully,

Chairman.

Enc. D-11

(MH)

Refer in reply to the
following: Land
68450-1903.

COPY
Department of the Interior,
Office of Indian Affairs,
Washington, October 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of July 27, 1903, (I.T.D. 4963-1902 and 5772-1903), returning to the Commission the record of the application of William O. Trott, et al., for enrollment as citizens of the Cherokee Nation, with direction to re-adjudicate the case in accordance with the Department's holding in the Yeargain case, there is herewith a report from the Commission to the Five Civilized Tribes dated October 20, 1903, returning the record in this case.

The Department, by letter of October 31, 1902, held that the applicants in this case were not entitled to enrollment. This decision, however, was rescinded by letter above referred to. William O. Trott applies for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage. October 9, 1903, the Commission held that William O. Trott was entitled to enrollment under the doctrine laid down in the Yeargain case. The right of Fannie W. Trott was not passed upon by the Commission.

The record in this case shows that on November 24, 1898, W. O. Trett was admitted to citizenship in the Cherokee Nation as a citizen by blood, and that no appeal was taken from this decision. The applicant, it appears, resided in the Cherokee Nation in good faith for several years; that in the fall of 1897 he left the nation for the benefit of his wife's health, and that he has not since returned. He, however, owns property in the nation, and has left effects within the limits of the nation. The Cherokee Nation protests against the Commission's decision.

Under the Department's holding in the Yeargain case and the Martha Hill case, June 10, 1903 (I.T.D. 3386), it appears to the office that William O. Trett is entitled to enrollment as a citizen by blood of the Cherokee Nation, and the approval of the Commission's decision is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

GAV-000

(COPY)

Muskogee, Indian Territory, November 3, 1906.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of October 20 (ITD.1518,7306-1903), there is herewith enclosed petition of W. D. Humphrey to practice before the Department, together with duly executed attorneys oath.

The attorney's brief in Cherokee D 611, Minnie Ballard et al., is also herewith returned and there is enclosed acceptance of service of said brief, on the attorney for the Cherokee Nation.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

Enc. D-3.

(MH)

D. C. 5976-1904.

I.T.D. 7822-1903.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

FHE
LRS

February 15, 1904.

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

Gentlemen:

October 20, 1903, the Commissioner of Indian Affairs submitted the case involving the application of William O. Trott, for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation, received with your letter of October 20, 1903.

In your decision of October 9, 1903, you state that as the status of persons applying for enrollment as citizens by intermarriage of the Cherokee Nation is not fixed, the application for the enrollment of Fannie W. Trott as such is not considered or passed upon.

It is shown that on November 24, 1896, William O. Trott was admitted to citizenship in the Cherokee Nation by your Commission under the act of June 10, 1896 (29 Stat., 321). He is identified upon the 1894 Cherokee strip payment roll. It appears that the applicant resided in the Cherokee Nation for several years prior to 1897, at which time he left the nation for the benefit of his wife's health.

and has not since returned. It appears, as stated in your decision, that at the time of his removal he left certain property and effects in the Cherokee Nation, and has maintained ownership of the same up to the date of his application. It is not shown that he has since the date of his admission in 1896, severed his tribal relations with the Cherokee Indians or become a citizen of any other government.

Referring to the ruling of the Department in the case of Joseph D. Yeargain et al., you held that William O. Trett should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of the act of June 26, 1898 (30 Stat., 495).

The Commissioner recommends that your decision be concurred in. A copy of his letter is inclosed.

Your decision is hereby affirmed. See decision of the Department of February 6, 1904, in the case of John Ross Trett.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

D. C. 5981-1904.

DEPARTMENT OF THE INTERIOR,

FHE
LRS

JP

I.T D. 1518-1903
8106- "

WASHINGTON.

February 15, 1904.

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

Gentlemen:

February 15, 1903, the Acting Commissioner of Indian Affairs transmitted the case involving the application of Samuel A. Ballard for the enrollment of himself and minor children, Goldie, DeAuburn and Guy Raymond Ballard as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Minnie Ballard, as a citizen by intermarriage.

It appears that Samuel A. Ballard died October 2, 1901, as evidenced by an affidavit made a part of the record. It is shown that he was a citizen by blood of the Cherokee Nation; that his name appears upon the 1880 roll and also upon the 1896 census roll; that he was lawfully married to Minnie Ballard on December 10, 1883; that her name appears upon the census roll of 1896. Said minor applicants are identified by the 1896 census roll, except Guy Raymond Ballard, who was born subsequent to said roll. He is identified by a birth affidavit.

Samuel A. Ballard lived in the Cherokee Nation until 1854, at which time he removed with his family to Arkansas. He voted in that state and did not return to the Cherokee Nation until March 18, 1899.

You rendered your decision in the case January 15, 1903, in which it was held that the applicants were not entitled to enrollment as citizens of the Cherokee Nation.

Unless Samuel A. Ballard became a citizen of Arkansas, he did not have the right to vote within the limits of that state. The Acting Commissioner states that the act of voting is not of itself sufficient to deprive him of his citizenship in the Cherokee Nation. He is of the opinion that Samuel A. Ballard would be entitled to enrollment as a citizen of the Cherokee Nation if living, and that his wife and children are entitled to enrollment. He recommends that your decision be not approved and that you be directed to enroll Goldie, DeAuburn and Guy Raymond Ballard as citizens by blood, and also to enroll as a citizen by intermarriage, Minnie Ballard.

The Department concurs in the recommendation of the Acting Commissioner except as to Minnie Ballard. The question of her citizenship will not be passed upon at this time, in view of the submission of the question of the rights of intermarried persons in the Cherokee Nation to the Court of Claims.

As the act of July 1, 1902 (32 Stats., 716), section 25, provides that the roll of Cherokee citizens shall be made as of September 1, 1902, and the names of all persons then living and entitled to enrollment on that date shall be placed upon said roll being prepared by your Commission, it is apparent that there is no authority to place the name of Samuel A. Ballard upon such roll.

The argument of W. D. Humphrey, "attorney for applicants," has not been considered, as, on November 14, 1903, the Department denied him recognition as an attorney or agent before the Department, under section 5498 R. S. U.S.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

(COPY)

Cherokee D-611

Muskogee, Indian Territory, February 29, 1904.

Minnie Ballard,
Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated January 15, 1903, rejecting the application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your three minor children, Goldie, DeAuburn and Guy R. Ballard, as citizens by blood, and dismissing the application for the enrollment of your husband, Samuel A. Ballard, as a citizen by blood of the Cherokee Nation, was reversed as to your three minor children and approved as to your husband, by the Secretary of the Interior on February 15, 1904. No action was taken by the Department on the decision as to your right to enrollment as a citizen by intermarriage, for the reason that the rights of claimants by intermarriage in the Cherokee Nation are not being adjudicated at this time.

Respectfully,

Commissioner in Charge

(MH)

(COPY)

Cherokee D-611

Muskogee, Indian Territory, February 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 15, 1903, rejecting the application for the enrollment of Minnie Ballard as a citizen by intermarriage, and for the enrollment of her three minor children, Goldie, DeAuburn and Guy R. Ballard as citizens by blood, and dismissing the application for the enrollment of Samuel A. Ballard as a citizen by blood of the Cherokee Nation, was reversed as to the three minor children and approved as to Samuel A. Ballard, by the Secretary of the Interior on February 15, 1904.

No action was taken by the Department on the decision as to the right of Minnie Ballard to enrollment as an intermarried citizen, for the reason that the rights of claimants by intermarriage in the Cherokee Nation are not now being adjudicated.

Respectfully,

Commissioner in Charge.

(MH)

(COPY)

Cherokee D-611.

Muskogee, Indian Territory, February 29, 1904.

W. D. Humphrey,

Attorney for Minnie Ballard et al.,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 15, 1903, rejecting the application for the enrollment of Minnie Ballard as a citizen by intermarriage, and for the enrollment of her three minor children, Goldie, DeAuburn and Guy R. Ballard as citizens by blood, and dismissing the application of her husband, Samuel A. Ballard, for enrollment as a citizen by blood of the Cherokee Nation, was reversed, as to the minor children and approved as to Samuel A. Ballard, by the Secretary of the Interior on February 15, 1904.

No action was taken by the Department on the decision as to the right of Minnie Ballard to enrollment as an intermarried citizen, for the reason that the rights of claimants by intermarriage in the Cherokee Nation are not now being adjudicated.

Respectfully,

Commissioner in Charge.

(MH)

Department of the Interior

A. M. Hyde
Inspector in Charge

Eastern States Indian Service
Five Civilized Tribes
Muskogee, Oklahoma

Make all remittances payable to

E. Hubbard, Cashier

Address only the Superintendent

for the Five Civilized Tribes

LAND

FLS:LS

6-24-26 D-3489-26

In re; birth affidavit of

GUY R. BALLARD, Chm. #30882.

RECEIVED
JUL 6 1926
NO. 3882
Supt. Five Civilized Tribes

L-P JOT 74987-26

June 24, 1926.

The Honorable,
The Commissioner of Indian Affairs.

OFFICE OF INDIAN AFFAIRS
RECORDED
JUN 28 1926
65189

Dear Mr. Commissioner:

In reply to Indian Office letter of June 11, 1926, in which you call attention to a charge of 55 cents for furnishing this office with a certified copy of birth affidavit of Guy R. Ballard, Cherokee, Roll No. 30882, you are respectfully advised that this affidavit was to complete the records in regard to this allottee in this office, and it would hardly seem just to expect payment of this amount. However, if such charge is insisted upon, I shall be pleased to remit the same upon further advice in the matter.

L-P:FCL.

74987-26

31809-26.*****

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Washington, JUL -1 1926

The above charge is remitted.

Respectfully,

Assistant Commissioner.

Inspector in Charge.

Ment

E. M. Hyde

W. H. ...

Cher 10386

William O. Trott

Trans from R 776

Cher 10386

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., September 22, 1900.

In the matter of the application of William O. Trett for the enrollment of himself and wife as citizens of the Cherokee Nation; said Trett being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A William O. Trett.
Q What is your age? A 33 in October.
Q What is your postoffice address? A Madison, Illinois.
Q What district in the Cherokee Nation? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q For whom do you apply? A Myself and wife.
Q What degree of blood do you claim? A 3/4.
Q Your name appear upon the authenticated roll of 1890? A I do not think it does.
Q You present a certificate of admission signed by H. V. Jecaway, Secretary to the Commission to the Five Civilized Tribes, certifying that in Daves Commission Case No. 5342, that you were admitted to citizenship on the 24th day of November, 1896, by said Commission. Are you the identical William Oscar Trett and is your wife, Anna, the identical Anna W. Trett mentioned in the certificate? A The same, only you will find her name Fannie W. Trett on the roll.
Q Where do you reside, Mr. Trett? A At the present time, Madison, Illinois.

W. W. Hastings, Representative of the Cherokee Nation:

- Q Have long have you lived at Madison, Illinois? A Since the third day of this year.
Q Where did you live before that time? A Nashville, Illinois.
Q How long have you lived in Nashville? A About six months.
Q Where did you move from the Nashville? A Before that I was in Franklin.
Q How long have you been living in the State of Illinois? A About three years.
Q How long have you lived there continuously, for the past three years? A Yes sir.
Q Where were you born? A In Illinois.
Q Always lived in the State of Illinois? A No sir.
Q How long did you live in the State of Illinois first? A I come here when I was four years old.
Q Where did you live before 1896? A I was out here eight years.
Q Where were you married? A In Illinois.
Q When? A 1890.
Q Now, immediately before your marriage how long had you lived in the State of Illinois? A In 1888 and 1889 I was living here, and in 1889 I went back to Illinois.
Q Where were you living in June 29, 1898, two years ago, in Illinois? A I guess I was.

The applicant:-- I know what the Cherokee Law was and I left all my effects here when I moved away with my father. When he left they were stored with his goods at H. L. Trett's house where they are at the present time. I left at the time on account of my wife's health. I had property in the Territory. I own town lots in the town of Vinita and in the town of Afton, also.

William O. Trott--2.

W. W. Hastings:

- Q Your wife is with you in the State of Illinois, and has been?
A Yes sir.
Q Keeping house? A Yes sir.
Q What is some of your personal effects with your father's goods?
A Household effects---furniture.

1894 enrollment; page 380, #4165, William O. Trott, Coconocess-
wee.

Com'r Needles:

The name of William O. Trott is found upon the pay roll of 1894 and he also presents Certificate of Admission by the Daves Commission under date of November 24, 1896, admitting himself and his wife, Fannie V. Trott, himself as a citizen by blood, and his wife as an intermarried citizen. He being duly identified according to the page and number of the roll, but on account of the matter of residence, final judgment as to the application for himself as a citizen by blood and his wife as an intermarried citizen, will be suspended and their names will be placed upon a doubtful card.

J. O. Benson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Benson.

Subscribed and sworn to before me this 24th day of September, 1900.

T. B. Needles,
Commissioner.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and the same is a true and correct copy of the original transcript.

R. Palmer

Subscribed and sworn to before me this 21 day of March, 1904.

Samuel Foreman
Notary Public.

CHEROKEES BY BLOOD AND ADOPTION.

Date

copy
Sep. 22 - 1905.

1900.

33

Name

William O. Pratt

Madison, Ill.

District

Cooper's Cove

Year

1894

Page

No.

320 4365

Citizen by blood

yes

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Fannie W. Pratt

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

[Large handwritten signature]

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Admitted by the Dawes Commission - 1896

Case 5342

D-390

C O P Y.

SUPPLEMENTAL: D-390.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 26, 1901.

In the matter of the application of William O. Trott, et al for enrollment as a Cherokee citizen by blood; William L. Trott, being sworn and examined by Commissioner Needles testified as follows:

Examined by Attorney Thompson:

- Q What is your name? A William L. Trott.
Q Age? A 56.
Q Post-office? A Vinita.
Q Do you know Oscar Trott? A Yes sir.
Q What is relation is he to you? A He is a nephew of mine, some of John Ross Trott.
Q I will ask you what his business is? A He is a druggist, drug clerk.
Q You know what was the cause of his going out of the country? A He went out to seek employment, and for his wife's health.
Q Did he leave any effects in your hands? A Yes sir he left his effects when he left here with J. R. Trott, the father, and when John Ross Trott left he left the household effects with me, he left here a short time before his father did, and when J. R. Trott left he left his effects and Oscar's effects with me.
Q And have you had them ever since? A Yes sir.
Q What does it consist of? A It consists of household goods and furniture; Oscar left some town property in Afton and Vinita.

Examined by Cherokee Representative Baugh:

- Q How long did Oscar Trott ever live in the Cherokee Nation at any one time? A Why he must have lived here seven or eight years- I don't remember exactly.
Q You don't recollect about what period that was; about when it was? A Why he lived here, he lived with me two or three years.
Q Do you know when he was admitted to citizenship, re-admitted? A I don't remember.
Q Do you know where he was living in 1896? A He must have been living in Vinita.
Q Do you recollect about when he left Vinita? A Yes sir, he left about the fall of 1897, or winter.
Q Has he ever lived here since that time? A No.
Q His continuous residence then since 1897, the fall of 1897, has been in the State of Illinois? A From the winter of 1897, I think so, yes. Yes he has been in Illinois all the time, he has been in different places, he is a drug clerk; he is at a place close to Saint Louis now, running a drug store for a party.

M. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded

the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green,

Subscribed and sworn to before me this March 28, 1901.

C. R. Breakinridge,
Commissioner.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct copy of the original transcript.

R. Palmer

Subscribed and sworn to before me this 18th day of March, 1904.

Samuel Foreman
Notary Public.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 Muskogee, I. T., February 28, 1902.

In the matter of the application of William O. Trott, for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by W. P. Thompson, Vinita, I. T.
 Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 10, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up by the Commission at its offices in Muskogee, ~~in~~ for final consideration on the 26th day of February, 1902. Receipt was acknowledged of the Commission's letter, and the applicant, by his attorney, appeared before the Commission on the 26th day of February, 1902, and by agreement with the representatives of the Cherokee Nation present the case was continued until the 28th day of February, 1902. ~~The applicant appeared~~ The case this day being called, to wit, the 28th day of February, 1902, the applicant appears by his attorney, W. P. Thompson.

The attorney for the applicant files a brief in the matter of the application of the said William O. Trott for the enrollment of himself and wife as citizens of the Cherokee Nation, and requests that a copy of the testimony had this day in the matter of the application of John R. Trott, the applicant's father, whose name appears upon Doubtful Card No. 389, be filed with and made a part of the record in this case. The attorney for the applicant and the representatives of the Cherokee Nation present submit the case to the Commission. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the above proceedings, and that the same is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of February, 1902.

T. B. Needles,
 Commissioner.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct copy of the original transcript.

R. Palmer

Subscribed and sworn to before me this 18th day of March, 1904.

Samuel Forman
 Notary Public.

C O P Y.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 28, 1902.

In the matter of the application of John R. Trott for the enrollment of himself and wife as citizens of the Cherokee Nation.

Applicant represented by W. P. Thompson, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 10, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee on the 26th day of February, 1902. Receipt was acknowledged of the Commission's letter. The applicant on said day, the 26th day of February, 1902, appeared by his attorney, W. P. Thompson, and by agreement between said attorney and the representative of the Cherokee Nation present the case was continued until the 28th day of February, 1902, and the applicant again appears by his attorney, W. P. Thompson.

TESTIMONY IN BEHALF OF THE CHEROKEE NATION.

L. B. Bell, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A L. B. Bell.

Q What is your postoffice? A Vinita, 63 years old, very near 64.

Q Do you know Dr. John R. Trott, who formerly lived at Vinita?

A Yes sir, I know him.

Q Does he live up there now? A No sir.

Q How long has he been gone? A He has been gone several years.

Q Do you know where he is? A Don't know where he is, my understanding--Well, they went into Missouri first from there, and I think Oscar Trott is up there, and I don't know what ever become of Ross.

Q Well, he has never returned to the Cherokee Nation in the last three or four years, that is, to live? A Never come back to Vinita or any part of the Cherokee Nation that I have been in.

Q You are an old resident of Vinita? A Yes sir, I have been living there for years and years.

Q You knew him well? A Yes sir, for fifty years I reckon.

P. G. REUTER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A P. G. Reuter, postoffice address Muskogee, age 26 years.

Q Are you the chief clerk for the enrolling division of the Cherokee Nation, enrollment division? A Yes sir.

Q And as such have charge of it? A Yes sir.

Q I will ask you whether or not that you had any correspondence through this division with Dr. J. R. Trott. A We have had correspondence with one J. R. Trott, don't know about his title.

Q Well, is he the applicant in this case, inquiring about his case?

A Yes sir.

Q Well, where was that letter addressed from? A Virden, Illinois.

Q Have you that letter? A I don't know, well---

Q Was it of recent date, you remember the date of the letter?

A Yes, it was of recent date, I don't remember the exact date.

I find that the letter was dated February 24, 1902.

MR. THOMPSON: You don't know where he lived, do you, Mr. Reuter? A No sir, I do not.

Q You don't know where his present residence is? A No sir.

Q (Turning to Mr. Bell) Do you, Mr. Bell? A Oh, I guess he is, were he wrote that letter.

Q I am talking about what you know? A I take it that he was alive when he wrote the letter.

Q You don't know where his present residence is, do you Mr. Bell?

A I don't know ever the state he is in.

COMMISSION: Do you submit the case?

MR. THOMPSON: Yes sir.

COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case to the Commission, and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

MR. THOMPSON: I desire to submit brief in behalf of applicant, setting forth the grounds upon which he thinks he is entitled to enrollment.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 1st day of March, 1902.

T. W. Needles,
Commissioner.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct copy of the original transcript.

R Palmer

Subscribed and sworn to before me this 18th day of March, 1904.

Samuel Foreman
Notary Public.

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

JJB.

In the matter of the application for the enrollment of William O. Trott, as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on September 22, 1900, William O. Trott appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 26, 1901, and on February 28, 1902.

The records of this Commission show that on November 24, 1896, William O. Trott was admitted to citizenship in the Cherokee Nation, as a Cherokee by blood; that his wife, Fannie W. Trott, was admitted to citizenship as a citizen by intermarriage of the Cherokee Nation, by the Commission to the Five Civilized Tribes, under the Act of Congress, approved June 10, 1896 (29 Stats., 321), and that no appeal was taken from said decision. The said William O. Trott, is identified on the 1894 Pay Roll of the Cherokee Nation.

It further appears that the said William O. Trott and Fannie W. Trott, removed from the Cherokee Nation to the State of Illinois in 1897; that they have not resided in said Nation or Indian Territory since that time, and that they were not residents of said Nation or Territory at the date of the application herein.

Paragraph nine, Section twenty-one of the Act of Congress, approved June 28, 1896, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to, and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission, that the application for the enrollment of William O. Trott, as a citizen by blood of the Cherokee Nation, and the application for the enrollment of Fannie W. Trott, as a citizen by intermarriage of said Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Fans Bixby,
Acting Chairman.

T. B. Needles,
Commissioner.

C. R. Brack'nridge,
Commissioner.

Muskogee, Indian Territory,

This Jul 29 1902.

C O P Y.

D.-390. Cher.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 29, 1902.

In the matter of the application of Fannie W. Trott, for enrollment as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her husband, William O. Trott, as a citizen by blood of the Cherokee Nation.

Fannie W. Trott, being first duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Fannie W. Trott.
- Q How old are you? A Twenty-eight.
- Q What is your postoffice address at this time? A Madison, Illinois.
- Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
- Q What is your husband's name? A William O. Trott.
- Q When were you married to William O. Trott? A In 1890, 12 years ago.
- Q Where were you married? A I was married in Morrisonville, Ill.
- Q Mr. Trott is a Cherokee citizen by blood is he? A Yes sir.
- Q Had you ever been married before your marriage to Mr. Trott?
A No sir.
- Q Had he ever been married before his marriage to you? A No sir.
- Q Have you and Mr. Trott lived together as husband and wife ever since the date of your marriage up to the present time? A Yes sir.
- Q You have never been separated? A No sir.
- Q You and he were living together as husband and wife on the first day of September, 1902? A Yes sir.
- Q How soon after your marriage to Mr. Trott at Morrisonville, Ill. did you and he come to the Territory? A I think about two-years--ten years ago as well as I remember.
- Q Did you come to the Cherokee Nation? A Yes, to Afton, in the Cherokee Nation.
- Q How long did you and he live in the Cherokee Nation after you came here? A About four years.
- Q Were you living all the time at or near Afton? A Right at Afton, yes.
- Q Where did you go after you left Afton? A Went to Franklin, Ill.
- Q Do you remember when you went to Franklin, Ill.? A I think we left Afton about the latter part of 1897, as well as I remember.
- Q November or December, 1897? A Yes.
- Q You and your husband, William O. Trott left Afton the latter part of 1897 and went to Franklin, Ill.? A Yes, I haven't just figured it out, but it was about that; early in '98 of the latter part of '97.
- Q Where have you and your husband, William O. Trott lived since you left Afton in the latter part of 1897 up to the present time?
A We went to Franklin and from there we came down to Madisonville.
- Q Have you lived in the state of Illinois ever since you left Afton in the latter part of 1897 or first of 1898? A Yes, all my life with the exception of what time I was here.

Q My question now was this: Have you and your husband William O. Trett, lived in the state of Illinois ever since you left Afton, Indian Territory in the latter part of 1897, up to the present time?

A Yes, we have.

Q You and he have not lived in the Territory of the Cherokee Nation since you left it in 1897? A No sir.

Q You are living in the state of Illinois at this time? A Yes sir.

Q Your husband is a practicing physician? A No, a druggist.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane,

Subscribed and sworn to before me this October 29th, 1902.

B. C. Jones.
Notary Public.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and correct copy of the original transcript.

R. Palmer

Subscribed and sworn to before me this 18th day of March, 1904.

Samuel Foreman
Notary Public.

C O P Y.

(R-776).
Cherokee D-390.

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

In the matter of the application of William O. Trott, for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 22, 1900, William O. Trott appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of said Nation; but as the status of persons applying for enrollment as citizens by intermarriage of the Cherokee Nation is not fixed at this time, the application for the enrollment of Fannie W. Trott, as such, will not be passed upon or considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 26, 1901. Copies of the testimony taken at Muskogee, Indian Territory, February 28, 1902, in the matter of the application for the enrollment of John R. Trott, et al., as citizens of the Cherokee Nation are made a part of the record herein. The record further shows that on July 29, 1902, the Commission rendered its decision in said case, which was approved by the Department, October 31, 1902; that on July 13, 1903, the attorneys for the applicants filed a motion to reopen said case; and that on July 27, 1903, the Department rescinded its former action in the matter and returned said case to the Commission for readjudication.

The evidence shows that on November 24, 1896, the said William O. Trott was admitted as a citizen by blood of the Cherokee Nation by the Commission to the Five Civilized Tribes, under the Act of Congress, approved June 10, 1896 (29 Stats., 321), and that no appeal was taken from said decision. The said William O. Trott is identified on the 1894 Cherokee strip payment roll.

It further appears that the applicant resided in good faith in the Cherokee Nation for several years prior to the fall of 1897, at which time he left said Nation for the benefit of his wife's health and has not since returned. At the time of his removal, he left certain property and effects in the Cherokee Nation and has maintained ownership of the same up to the date of his application. During his absence he also maintained possession and control of some town lots in said Nation; and it is not shown that he has since the date of his admission in 1896 severed his tribal relations with the Cherokee Indians, or become a citizen of any other government.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Year-

gain, et al. (I. T. D. 2900-1903), that the said William O. Trett should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 25, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Birby,
Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

W. F. Stanley,
Commissioner.

Muskogee, Indian Territory.

this Oct. 9, 1903.

C O P Y.

Cherokee D-390.

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

Tahlequah, I. T., October 15th, 1903.

In the matter of the application for the enrollment of
William O. Trott, et al as citizens of the Cherokee Nation

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and respectfully protests against
the decision of the Commission to the Five Civilized Tribes in this
case rendered on October 9th, 1903, and asks that the same be for-
warded to the Honorable Secretary of the Interior for Review.

STATEMENT.

The applicant in this case is a son of John R. Trott whose case
is pending before the Honorable Secretary of the Interior on appeal
from the Commission to the Five Civilized Tribes, same being number
Cherokee D-389; and all of the testimony introduced in the case
of John R. Trott was made a part of the record in this case.
In the case of John R. Trott, Cherokee D #389 we have at length
expressed our reasons why we do not believe that he should be
enrolled as a citizen of the Cherokee Nation and reference is
respectfully made to the brief filed on part of the Cherokee Nation
before the Honorable Secretary of the Interior in said case.

Respectfully,

W. W. Hastings, ^{JCC}
Attorney for the Cherokee Nation.

J. C. S.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of William O. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation.

The decision with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles,
Commissioner in Charge.

Enc. C. No. 56.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, July 29, 1903.

W. P. Thompson,
Attorney for William O. Trott,
Vinita, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of William O. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage, of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles,

Commissioner in Charge.

Register.
Enc. G. No. 55.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, July 29, 1902.

William G. Trott,
Madison, Ill.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by blood, and for the enrollment of your wife, Fannie W. Trott, as a citizen by intermarriage, of the Cherokee Nation. There has heretofore been furnished your attorney, W. P. Thompson, Vinita, Indian Territory, a copy of the proceedings had in the case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles,
Commissioner in Charge.

Register.

Enc. C. No. 54.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William O. Trett for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trett, as a citizen by intermarriage, of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

T. B. Needles,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure.

C. No. 57.

C O P Y.

Refer in reply to
the following:

Land.
45882-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, August 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made June 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of William O. Trott for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of said nation.

The applicant was admitted to citizenship in the Cherokee Nation November 24, 1896, by the Commission to the Five Civilized Tribes, and no appeal was taken from that decision. The applicant was admitted as a citizen by blood and his wife was admitted as a citizen by intermarriage. They removed from the Cherokee Nation in 1897 and it does not clearly appear that they have returned thereto.

The Commission declined to place the names of Trott and his wife on the Cherokee rolls because they were not residents of the Cherokee Nation on June 28, 1898.

In the opinion of this office the Commission was without jurisdiction to consider this case. It acted in 1896 and at that time placed the names of the applicants upon the Cherokee roll.

As to whether they removed from the Territory after that date, seems to the office to be a matter in which the Commission has no concern.

It is therefore respectfully recommended that the Commission be directed as above indicated.

Very respectfully,

Your obedient servant,

A. C. Tenner

Acting Commissioner.

WCY
D

3 inclosures.

D.C. No. 15410-1902.

COPY.

J.P.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

ITD. 4963, 5375,
& 5563, 1902.

PAF.

September 13, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to your letter of July 29, 1902, transmitting the Cherokee enrollment case of William O. Trott, et al. as it appears from a statement made by the Commissioner making the examination that an argument was filed by claimant's attorney, W. P. Thompson, and as no such argument is found with the case, it is directed that if the argument can be found it be transmitted to the Department, and, if not, that the attorney be advised that he will be allowed fifteen days from notice to submit such argument as he may desire, showing due service upon the nation's attorney.

Respectfully,

Thos. Ryan

Acting Secretary.

E. M. D.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, September 29, 1902,

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that W. P. Thompson, Attorney for William O. Trott, et al., has this day been notified that he will be allowed fifteen days from date hereof within which to file with the Commission a brief setting forth his reasons why the applicants should be enrolled as citizens of the Cherokee Nation.

This for your information.

Respectfully,

Acting Chairman.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, September 29, 1902.

W. P. Thompson,

Attorney for William O. Trott, et al.,

Vinita, Indian Territory.

Dear Sir:-

In the matter of the application of William O. Trott, et al for enrollment as citizens of the Cherokee Nation, whom you represent, it appears that when this case was submitted to the Commission, February 28, 1902, you stated that you desired to file in behalf of the applicants, a brief setting forth the grounds upon which you think they are entitled to enrollment as citizens of the Cherokee Nation. An examination of the papers in this case fails to disclose that such brief has ever been presented to the Commission for filing.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to submit such argument as you may desire, showing due service upon the attorney for the Cherokee Nation.

Respectfully,

Acting Chairman.

Register.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, October 16, 1902.

W. P. Thompson,

Attorney for William O. Trott, et al.,

Vinita, Indian Territory.

Dear Sir:-

Referring to the Commission's letter under date of September 29, 1902, granting you fifteen days from date thereof, in which to file a brief in the matter of the application of William O. Trott, et al., as citizens of the Cherokee Nation, you are hereby advised that the request of the Commission has not been complied with.

Please give this matter your immediate attention as the Commission desires to forward this case to the Department.

Respectfully,

Acting Chairman.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, October 18, 1902.

W. P. Thompson,
Attorney for William O. Trott,
Vinita, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 16th inst., enclosing brief in the matter of the application of William O. Trott, et al., for enrollment as citizens of the Cherokee Nation.

Respectfully,

Acting Chairman.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, October 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

Replying to Departmental letter underdate of September 13, 1902, (I.T.D.4963, 5375 & 5563-1902), requesting that the attorney for William O. Trott et al., applicants before the Commission for enrollment as citizens of the Cherokee Nation, be allowed fifteen days in which to file brief in behalf of applicants, I have the honor to forward herewith, for the consideration of the Department, a brief this day received from W. P. Thompson.

Respectfully,

Acting Chairman.

Enc. No. 1.

C O P Y.

Refer in reply to
the following:
Land 63001-1902.

Department of the Interior,
Office of Indian Affairs,

Washington, Oct. 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 13, 1902, (I.T. D. 4963, 5375 and 5563) directing the Commission to the Five Civilized Tribes to forward the brief and argument filed by the claimant's attorney in the Cherokee enrollment case of William O. Trott, et al., there is enclosed herewith a report from the Acting Chairman of the Commission, dated October 16, 1902, forwarding the brief referred to.

Very respectfully,

Your obedient servant,

(Signed) W. A. Jones,

Commissioner.

G.A.W. (B)

C O P Y.

D. C. No. 20952-1902.

J.P.

Department of the Interior,

Washington,

FHE

I. T. D. 4963, 5375, 5563
5900, 6624- 1902.

L. R. S.

October 31, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of William O. Trotter for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of said Nation.

It appears that the applicant and his wife were admitted to citizenship in the Cherokee Nation November 24, 1896, by your Commission, acting under the act of June 10, 1896 (29 Stat., 321). Trotter's name appears on the 1894 pay roll of said Nation.

Referring to paragraph 9, Section 21, of the act of June 28, 1898 (30 Stat. 495), which provides that

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,"

you rejected the application July 19, 1902, as it appears from the testimony that Trotter and his wife removed from the Cherokee Nation to Illinois in 1897, and have not resided in the Indian Territory since that time. It was claimed by Trotter that his removal to Illinois was for the benefit of his wife's health, and to procure employment.

Since the case reached the Department certain affidavits and argument by Troot, served on the Nation's attorney, have been filed. Some of these affidavits are intended to show that the condition of Troot's wife demanded her residence outside of the Indian Territory. Under the plain provision of the law quoted, the Department considers your action in the case proper, and your decision is hereby affirmed.

A copy of the Acting Commissioner's letter of August 13, 1902, transmitting the case, is herewith inclosed.

As to the opinion of the Indian Office expressed in said letter, that your Commission was without jurisdiction to consider this case, reference is made to Department decision of August 19, 1902, in the Cherokee enrollment case of Charles W. Cooper.

Respectfully,

E. A. Hitchcock,
Secretary.

E.M.D.

1 inclosure.

C O P Y.

J.P.

DEPARTMENT OF THE INTERIOR.

I.T.S. 6624-1902.

WASHINGTON.

FHE

LRS

October 31, 1902.

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

Gentlemen:

On September 13, 1902, in the matter of the application of William O. Troat, et al., for enrollment as Cherokee citizens, you were directed to advise W. P. Thompson, attorney for the applicants, that he would be allowed fifteen days in which to file such argument as he might desire, showing due service upon the attorney for the Cherokee Nation.

In your letter of October 18, 1902, there was received an argument by Thompson, which does not, however, show any service upon the Nation's attorney. Said argument is therefore returned herewith, to be delivered to said attorney, as the Department declines to consider it under the circumstances. Copy of Commissioner's letter inclosed.

Respectfully,

E. A. Hitchcock,
Secretary.

E. M. D.

1 inclosure.

C O P Y.

Muskogee, Indian Territory, November 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

Receipt is hereby acknowledged of Departmental letter under date of October 31, 1902, (I.T.D.6624-1902), returning argument of W. P. Thompson, attorney for the applicants in the matter of the application of William O. Trott, et al., for enrollment as Cherokee citizens for the reason that the same fails to show due service upon the attorney for the Cherokee Nation.

In reply I have the honor to report the attorney for the Cherokee Nation has this day acknowledged service of a copy of the argument. The same is herewith returned.

Respectfully,

Acting Chairman.

1 Enc. M-12.

Through the

Commissioner of Indian Affairs.

C O P Y.

Cherokee D-390.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision rejecting the application of William O. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 31, 1902.

Respectfully,

Tans Bixby,

Acting Chairman?

COPY.

Cherokee D-390.

Muskogee, Indian Territory, November 26, 1902.

W. P. Thompson,
Attorney for William O. Trott, et al.,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision rejecting the application of William O. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 31, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

COPY.

Cherokee Dp390.

Muskogee, Indian Territory, November 26, 1902.

William O. Trott,
Madison, Illinois.

Dear Sir:-

You are hereby advised that the Commission's decision rejecting your application for the enrollment of yourself as a citizen by blood, and for the enrollment of your wife, Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 31, 1902.

Respectfully,

Tans Bixby,

Acting Chairman.

C O P Y.

Cherokee D-390.
(R-776).

Muskogee, Indian Territory, October 10, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of William O. Trott for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tans Bixby,
Chairman .

Enc. D-79.

C O P Y.

Cherokee D-390.
(R-776).

Muskogee, Indian Territory, October 20, 1903.

W. P. Thompson,
Attorney for William O. Trott,
Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of William O. Trott for enrollment as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Enc. D-158.

Register.

C O P Y.

Cherokee D-390.
(R-776).

Muskogee, Indian Territory, October 20, 1903.

William O. Trott,
Madison, Illinois.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting your application for enrollment as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, W. P. Thompson, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Register.

Enc. D-157.

C O P Y.

Cherokee D-390.
(R-776).

Muskogee, Indian Territory, October 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 27, 1903 (ITD 4963-1902, 5772-1903), there is herewith transmitted the record of proceedings had in the matter of the application of William O. Trott for enrollment as a citizen by blood of the Cherokee Nation, including the Commission's decision dated October 9, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. D-159.

Refer in reply to the
following: Land
68430-1903.

COPY
Department of the Interior,
Office of Indian Affairs,
Washington, October 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of July 27, 1903, (I.T.D. 4963-1902 and 5772-1903), returning to the Commission the record of the application of William O. Trott, et al., for enrollment as citizens of the Cherokee Nation, with direction to re-adjudicate the case in accordance with the Department's holding in the Yeargain case, there is herewith a report from the Commission to the Five Civilized Tribes dated October 20, 1903, returning the record in this case.

The Department, by letter of October 31, 1902, held that the applicants in this case were not entitled to enrollment. This decision, however, was rescinded by letter above referred to. William O. Trott applies for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage. October 9, 1903, the Commission held that William O. Trott was entitled to enrollment under the doctrine laid down in the Yeargain case. The right of Fannie W. Trott was not passed upon by the Commission.

The record in this case shows that on November 24, 1896, W. O. Trott was admitted to citizenship in the Cherokee Nation as a citizen by blood, and that no appeal was taken from this decision. The applicant, it appears, resided in the Cherokee Nation in good faith for several years; that in the fall of 1897 he left the nation for the benefit of his wife's health, and that he has not since returned. He, however, owns property in the nation, and has left effects within the limits of the nation. The Cherokee Nation protests against the Commission's decision.

Under the Department's holding in the Yeargain case and the Martha Will case, June 10, 1903 (I.T.D. 3386), it appears to the office that William O. Trott is entitled to enrollment as a citizen by blood of the Cherokee Nation, and the approval of the Commission's decision is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

GAW-GGC

D. C. 5976-1904.

I.T.D. 7822-1903.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

THE
LRS

February 15, 1904.

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

Gentlemen:

October 20, 1903, the Commissioner of Indian Affairs submitted the case involving the application of William O. Trott, for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation, received with your letter of October 20, 1903.

In your decision of October 9, 1903, you state that as the status of persons applying for enrollment as citizens by intermarriage of the Cherokee Nation is not fixed, the application for the enrollment of Fannie W. Trott as such is not considered or passed upon.

It is shown that on November 24, 1895, William O. Trott was admitted to citizenship in the Cherokee Nation by your Commission under the act of June 10, 1896 (29 Stat., 321). He is identified upon the 1894 Cherokee strip payment roll. It appears that the applicant resided in the Cherokee Nation for several years prior to 1897, at which time he left the nation for the benefit of his wife's health.

and has not since returned. It appears, as stated in your decision, that at the time of his removal he left certain property and effects in the Cherokee Nation, and has maintained ownership of the same up to the date of his application. It is not shown that he has since the date of his admission in 1896, severed his tribal relations with the Cherokee Indians or become a citizen of any other government.

Referring to the ruling of the Department in the case of Joseph D. Yeargain et al., you held that William O. Trott should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of the act of June 28, 1898 (30 Stat., 495).

The Commissioner recommends that your decision be concurred in. A copy of his letter is inclosed.

Your decision is hereby affirmed. See decision of the Department of February 6, 1904, in the case of John Ross Trott.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

C O P Y.

Cherokee E-776.

Muskogee, Indian Territory, February 29, 1904.

W. P. Thompson,
Attorney for William O. Trott,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 9, 1903, granting the application of William O. Trott for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 15, 1904.

Respectfully,

Commissioner in Charge.

C O P W.

Cherokee R-776.

Muskogee, Indian Territory, February 29, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 9, 1903, granting the application of William O. Trott, for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 15, 1904.

Respectfully,

Commissioner in Charge.

C O P Y.

Cherokee R-776.

Muskogee, Indian Territory, February 29, 1904.

William O. Trott,
Madison, Illinois.

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 9, 1903, granting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 13, 1904.

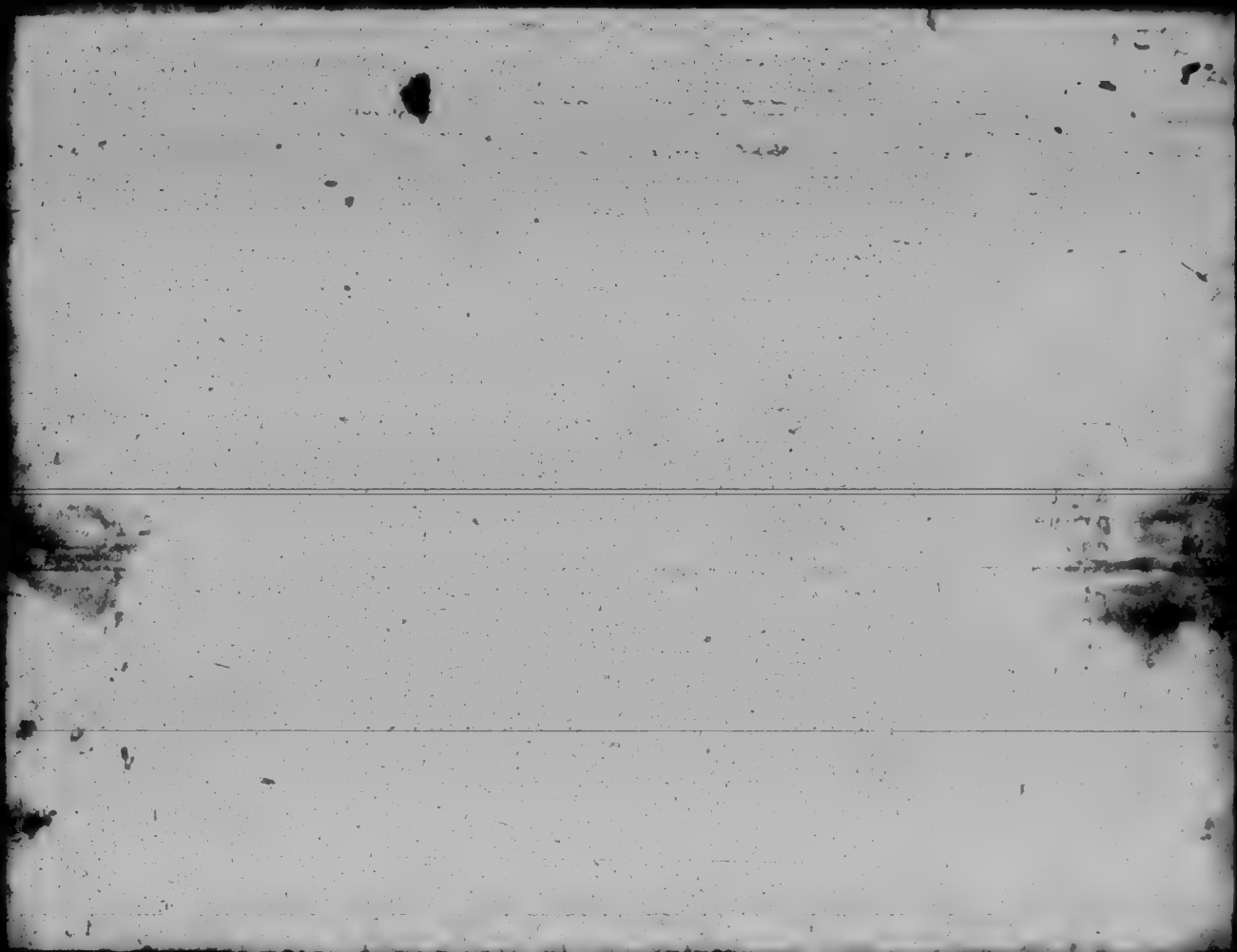
Respectfully,

Commissioner in Charge.

Cher 10387

Benjamin F. Palmour

Cher 10387



Department of the Interior,
Bureau of Land Management,
Washington, D. C., December 3, 1900.

In the matter of the application of Benjamin F. Palmer for the enrollment of himself and children as United States citizens; being sworn and examined by Commissioner Frank Burdick, testified as follows:

Q Give us your full name? A Benjamin F. Palmer.

Q How old are you? A 51.

Q What is your post-office? A Georgia.

Q In what district do you live? A Coconosconco.

Q Who do you want to have enrolled, yourself or family?

A Yes sir, myself and children.

Q Have you a wife? A No wife now, no sir.

Q Your wife's dead? A Yes sir.

Q How many children have you? A 6.

Q Are these children under 21 and unmarried? A Yes sir.

Q Are you a citizen by birth? A Yes sir.

Q How long have you lived in the Coconosconco National? A I have lived here ever since 1895.

Q Have you ever been admitted to citizenship by the Council of Commissioners or Council? A Yes sir.

Q Have you a certificate of admission? A Yes sir, I have a copy. (reads a paper)

Com'r: The applicant presents an official copy of the records of the Council of Commissioners on citizenship, showing that on the 22nd of September 1897, certain persons were admitted to citizenship, and among them appears the name of Benjamin F. Palmer, aged at that time 38 years.

Q That is your name as stated? A Yes sir.

Com'r: This is recognized as official evidence of the applicant's admission as stated, and this document is filed herewith.

Q You were 38 at admission, you came here in 1895, and have lived here ever since? A Yes sir, and my residence, place and property and etc. I was out of here, - out in business, to prospect a gold mine went in 1895; I was back in 1896 and enrolled.

Q Where did you go? A I went to North Georgia.

Q Did you take your family with you? A Yes sir. I left my improvements and stuff there.

Q Left your household goods? A Yes sir, household goods and everything.

Q You came back when? A I came back the first of this year, first of January.

Q You left in 1895 and came back here the first of January 1900? A Yes sir.

I went there to prospect a gold mine; that was my business; it wasn't my purpose to move; I left my wife here and household and furniture, on my just might make a living.

Q Did you get in the roll of 1896? A Yes sir.

Q How did you get on that roll? A I give it in to Mr. Clingan and John McIntosh.

Q You were here yourself? A Yes sir.

Q When you left in 1895 you came back at least once before last January? A Yes sir, I came back in 1896.

Q How long did you stay there when you came back here then? A I was here a month.

Q You didn't bring your family with you? A No sir.

Q You had them put on the roll? A Yes sir.

Q And then went back to Georgia? A Yes sir, and worked there until last fall, prospecting a gold mine.

Q What interest did you have back here? A I had a house, bedding, and all, only what it takes to carry me; bedding, wagons and tools, and farming outfit.

Q Where? A Yes sir.

Q What did you do with your land while you were spending all that time in Georgia? A I left it in my son-in-law's care; the place I improved I bought; I had it under lease.

Q Did your son-in-law give you any return for the place? A Yes sir, he made a report every year, and paid the rent, what rents were coming; you see it was under lease and I didn't get any rents for the period of time it was under lease.

Q What do you mean by under lease? A You know the Cherokee lease land to be improved.

Q To individuals? A Yes sir.

Q Did you improve the land? A I improved one side of it, you sir.

Q Did you collect any rents for it? A Yes sir.

Q When, how much? A Well I got nine dollars in 1897 I reckon.

Q That's the first you got? A Yes sir, and then I hired work done on the place, breaking, etc.

Q In that year? A I couldn't tell you exactly what year it was.

Q Was it after you got it at nine dollars? A No sir, it was before.

Q I don't see clearly what interest you had in that land? A Well I bought wire and fenced it and paid for breaking it.

Q Who paid you for all that? A The place paid me the nine dollars, that's all I got up to that time; then you see I used it for feeding my team.

Q What were you doing with your team if you were not working the place? A They had it on the lease.

Q Wasn't it your son-in-law's place? A No sir, I got nine dollars rent because it was under lease.

Q Why would you throw in your team and feed them while it was under lease or wasn't under lease, if you were not getting anything for it? A I was having my team to break that piece of ground, and he got that done and he debt due him, and then I paid him.

Q Can you tell me in a few words and in a plain and simple way, what interest you acquired in this country when you came here in 1893, and what interest you continue to hold? A I had this interest only; I claimed this as my own and I thought had an interest here as a Cherokee.

Q I am talking about your property interests; you came here in 1893, did you take any hold in the country; what have you done to show you intend to take this your home? A I set posts and built my fence in 1893 and 1894.

Q You acquired lands then did you? A Yes sir.

Q How did you keep on holding that land? A Yes sir.

Q How much land did you acquire and what did you do to hold it? A There was a hundred acres in the field, about 149 acres in the whole improvement.

Q That you got in 1893 and 1894? A Yes sir.

Q Do you hold that land yet? A Yes sir.

Q Have you held it ever since you first got it? A Yes sir.

Q In your own name? A Yes sir, in my own name; I have got a bill of sale to it now.

Q Your son-in-law had property too did he? A No sir.

Q He just lived on your property? A No sir, only a month last fall.

Q If he didn't have any property and didn't live on your property where did he live? A He lived in Chelsea.

Q In town? A Yes sir.

Q What did he do there? A He was hiring I think.

Q Just renting a house there? A No sir, he had a house there.

Q Then he had a little property. A Yes sir, he had a little house.

Q Why didn't you come and enroll there at Chelsea? A I was

there waiting, and I didn't have my original certificate here, and I didn't get the copy in time to come in; I wouldn't have got it in time no way under your advertisement, that is the reason I didn't come then.

Q Give me the names of your children? A John D., in the West.

Q How old is that child? A 13 years old last June.

Q How the next child? A Bessie.

Q How old is that child? A She is 17 the first of November.

Q How the next child? A Robert.

Q How old is that child? A He is 15 years old.

Q The next child? A Mary Lou.

Q How old is she? A 13.

Q The next child, A Sarah.

Q How old is that child? A Sarah is 12 years old.

Q How the next child? A Hugh A.

Q How old is he? A He is eight years old.

Q That's all is it? A That's all.

Q These children are living now are they? A Yes sir.

Q They living with you here in the Cherokee Nation? A Yes sir.

Q That's what made me hate to come down here and leave them by themselves without any woman.

Q What is the name of the mother of these children? A Amanda

Q When did she die? A Died in August 1890.

Q Where did she die? A She died in Georgia.

Q She was a white woman? A Yes sir.

Q When did you marry her? A I married her on the 9th day of October 1881.

Q Were you ever married except to her? A Yes sir.

Q Was your former wife dead when you married her? A Yes sir she died in January 1881.

Q Were you married only once before you married this wife? A Yes sir, only once.

Q Was she ever married except to you? A No sir.

Q How long did you live with your first wife? A 10 years.

Q Have you children by her? A Yes sir.

Q They are not in this list? A No sir.

Q Your wife is on the roll of 1867? A Yes sir.

Q 1896 roll examined for applicant and family, and names not found.

Q Did you get your Cherokee Strip money? A Yes sir

1894 roll page 274 33586 Ben P. Palmour Coconino District;

1894 roll page 274 33589 Bessie Palmour "

1894 roll page 274 33590 Robert Palmour "

1894 roll page 274 33591 John D. Palmour "

1894 roll page 274 33591 Mary Palmour "

1894 roll page 274 33592 Sallie Palmour "

1894 roll page 274 33593 Hugh Palmour "

Q How that Cherokee Strip money that you got, it was sent to you in Georgia? A No sir.

Q How did you get it? A I went to Vinita.

Q And got it yourself? A Yes sir.

Q Got your people put on the roll? A I was living here then.

Q That was before you went back to Georgia in 1893? A Yes sir

Q So you were here in 1893 and staid until after the Cherokee Strip payment and then went back to Georgia? A I just went back temporarily to prospect a gold mine; I didn't move back with my personal effects.

Examined by Cherokee Representative W. V. Hastings;

Q Were all these children born in Georgia? A Yes sir. I have none here in this Nation, but they are by my first wife.

By the Court:

Q Are married this last wife to you? A Yes sir.

by W.V. Wallace:

- Q But all of these children were born in Georgia? A Yes sir.
 - Q Your wife died in Georgia, correct, 1902? A Yes sir.
 - Q She never came here after 1905? A No sir, I went back there to work in 1905.
 - Q That kind of work did you do back there? A Dig gold; I went back there to prospect gold, but it wasn't business.
 - Q When did you come here? A In January, I prospected until last summer.
 - Q Did you ever come back there? A Yes sir.
 - Q Didn't you? A Yes sir.
 - Q Didn't you never own one back there? A Yes sir.
 - Q I know you always just prospected? A Yes sir, I rented when I far'd any; I didn't always prospect.
 - Q Who do you live with at Chelsea? A My children.
 - Q Live with your son-in-law? A No sir.
 - Q Son-in-law? A Yes sir.
 - Q You live in a separate house up there since you came back there in January? A Yes sir.
 - Q Don't you know it is a violation of the law to lease land? A This was leased, that I am talking about, - it was leased when I got it.
 - Q And just the lease continued to mine? A Yes sir.
 - Q That did you give for it? A For a hundred dollars with the improvements on it.
 - Q These children were back in Georgia with you? A Yes sir, there were back since 1905.
 - Q You were not here in 1908, two years ago? A No sir.
 - Q These children were not here? A No sir.
- By Court Brockinridge:
- Q These children staid in Georgia from the time you went in there in 1905 until last January? A Yes sir.
 - Q I see that this certificate admits the name of John D. Palmer Jr. five years of age; is that this John D. Palmer Jr. whose name you have given here? A Yes sir.
 - Q And Jessie, three years of age; is that this Jessie you have given here? A Yes sir.
 - Q And Robert Palmer, 2 years of age at that time; is that the Robert whose name you have given here? A Yes sir.
 - Q Now all of these children came with you then to the Cherokee Nation in 1905? A All of them, yes sir.
 - Q And all of them went back with you to Georgia in 1907? A Yes sir. I carried them back with me.
 - Q Did you come in 1893 for the purpose of making your home here permanently? A That's what I did, yes sir, I come here in '70 to make my home.
 - Q Why didn't you stay here when you came back in 1907? A I went back, - I was making money prospecting in a gold mine, hiring you know, and getting up sales.
 - Q You had some capital then from the Cherokee Nation? A I didn't use that in it.
 - Q What did you do with that? A I used it here principally, and I had nothing to come out of the start, and it cost me a heap; I had to borrow some money; no, I used the Strip money here on the improvements.
 - Q Did you vote in Georgia? A I voted in local.
 - Q Did you ever vote for Congressman? A No, I was not positive that I did. I used to vote when I was there first, but I never came here the second time, I used to vote there.
 - Q Where were you in the Presidential election of 1907? A I was here in the Cherokee Nation.
 - Q Did you ever vote for Governor of Georgia after 1905? A I believe I did; I am not sure that I did.
 - Q Where were you at the Presidential election, this 1917?

A I was here.

Q Are you positive about not voting for Congressman while in Georgia? A No sir, I am not, I voted in local affairs and some Congress Affairs; I am not positive that I did not I didn't, but I believe I did.

Q You believe you did vote for Congressman since 1897? A Yes sir.

Q And you are sure you voted for Governor? A I am not as sure of that as I am of Congress; there were elections that I voted in and about that I didn't.

Q You voted for members of the legislature? A Yes sir.

Q You voted for Sheriff and county officers? A Yes sir.

Q Have you a certificate or license of your marriage to your last wife? A No sir.

They are here; Anthony Crafton has got them.

Q Did you ever apply to the Dawes Commission for admission to citizenship? A No sir.

Q Nor the Cherokee Council or Commission on Citizenship?

A Yes sir, to the Commission; I went before the Cherokee Commission on Citizenship, to be readmitted in 1870, December 1870.

Q I am talking about that since that admission you had in 1887? A No sir, only here in council.

Q You have shown that you were admitted in 1887; that you have filed official evidence of; then you came here under that admission in 1893, and then went back to Georgia; will now, since you went back to Georgia in 1899 have you ever applied for re-admission to the Cherokee Council? A No sir.

Q You haven't applied to the Dawes Commission? A No sir, not up to this date. I sent some papers here, but if anything was done with them I never was notified.

Q What was the maiden name of your wife Aranda? A Mattie Combs. The applicant is shown to have possessed a marriage license issued by the Ordinary of Dawson County, Georgia, authorizing marriage between himself and wife, under date of September 19 1881, and certificate shows that they were united in marriage on the 9th day of October of the same year, by the Rev. R.B.O. England; this is an official copy of the license and certificate; it is drawn from the case of Amy Guess and family before the Commission in 1897, #315; it is filed herewith, and a memorandum is made upon the former document at its transfer.

Com'r Br. Cridrige: The applicant applies for the enrollment of himself and six children; he is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship in 1887, and states that under that admission he and his family, including all of these six children, and his wife, now deceased, came to the Cherokee Nation in 1893; they remained here until 1898, and returned to the State of Georgia; he alleges that he retained property interests in the Cherokee Nation, and left most of his household effects and property here, going back to Georgia to prospect for gold, and taking with him his deceased wife and the six children now applied for; all of these children were born in the State of Georgia; the older three, Jenn D., Sessie and Robert Palour, are identified with their father on the certificate of admission referred to, and which is established by official copy of the records of the Cherokee Commission, filed herewith.

The applicant's wife died in August 1899; she is shown by the official evidence filed herewith to have been married to him in 1881; she was never previously married, and he states that his former wife was dead when he married his last wife, the latter being the mother of all these children. None of the persons now applied for have been in the Cherokee Nation, until January 1899, when they came here, except the father, who returned here in 1893.

Benjamin F. Palmour et al

1896, for the purpose of being enrolled, which, as shown by the records, was refused to him, and he likewise failed to secure the enrollment of his wife then living and of the children herein enumerated.

The applicant and the six children are identified on the roll of 1894, the same having been made between the period of 1893 and 1895, during which they resided in the Cherokee Nation; the applicant and all six children have resided in the Cherokee Nation since January of the present year; it appears that during the period the applicant was staying in Georgia, from 1895 to January of the present year, he exercised the right of suffrage, voting for county officers, members of the legislature, and probably for Governor and Congressman. For the further consideration of the rights of the applicant and his six children, they will all now be listed for enrollment as Cherokee by blood on a doubtful card, and the final decision of the Commission will be made known to him at his post-office address.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

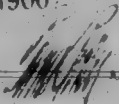
Subscribed and sworn to before me this December 5th 1900.

[Signature]

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION ON THE FIVE CIVILIZED TRIBES

FILED
DEC 2 1900



W. H. HARRIS, CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 5 1900 1900.

Name Benjamin H. Palmer, Chula, S. C.

District No. 200 Year 1894 Page 274 No. 3386

Citizen by blood Mother's citizenship _____

Intermarried citizen

Married under what law Admitted in 1889 Date of marriage _____

License *filed DEC 5 1900* Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

No.	Name	Dist.	Year	Page	No.	Age
1	John H. Palmer	No. 200	1894	274	3385	18
2	Bessie	"	"	274	3384	17
3	Robert	"	"	274	3390	15
4	Mary	"	"	274	3391	13
5	Sarah	"	"	274	3392	12
6	Hugh A	"	"	274	3393	8
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age

No 1 on 1894 will
 No 2 " " "
 No 3 " " "
 No 4 " " "
 No 5 " " "
 No 6 " " "
 No 7 " " "

Ben of Palmetto
 John H.
 Mary
 Bessie
 Hugh

Copy.

Benjamin F. Palmour,

Office Commission on Citizenship.

Tahlequah, C.N. Oct. 1st, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney.
	1 Benjamin F. Palmour,	38	male	Wier Ga	
	2 Evaline Palmour	16	female		
	3 Amy Palmour	15	"		
	4 Henry Palmour	11	male		
	5 Virginia S. Palmour,	9	female		
617	6 John D. Palmour Jr.	5	male		
	7 Bessie Palmour,	3	female		A.H. Ivey
	8 Robert Palmour,	2	male		

VS.

Cherokee Nation.

Applicant for
Cherokee citizenship.
Census Rolls 1851&2
Ancestor
John D. Palmour

Now on this the 22 day of Sept. Comes the above case for a final hearing and the parties having made application pursuant to the provision of an act of the National Council approved Dec. 8 1885 and all the evidence being duly examined and found to be sufficient & satisfactory to the Commission and the name of the ancestor, John D. Palmour, appearing on the rolls of 1851&2 it is adjudged and determined by the Commission that Benjamin F. Palmour, Evaline Palmour, Amy Palmour, Henry Palmour, Virginia S. Palmour, John D. Palmour, Jr., Bessie Palmour, Robert Palmour are all robeses by blood, and a hearing, admitted to all the rights, privileges and immunities of Cherokee by blood and a certificate of said decision of the commission and readmission was made and furnished to said parties accordingly.

J.T. Adair, Chairman Com.
John E. Gunter, Commissioner.

C.C. Lipe,
Clerk Commission.

Executive Office, Cherokee Nation,
Tahlequah, I. T.

I, B.V. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true and copy taken from the record of the Commission on Citizenship of the Cherokee Nation; that said record has been filed in this office by law and is in my custody, Given under my hand and the seal of the Cherokee Nation this the 21st day of November 1900.

(signed) B.V. Alberty,
Assistant Executive Secretary, Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I copied the foregoing and that same is a true and complete copy of the original on file in Cherokee case No. 5-288.

M.D. Green

3

0888

MISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 21 1902

[Signature]
ACTING CHIEF

COMMISSIONERS:

HERRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee I 2/24/02

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Benjamin F. Palmour for enrollment as
Freedmen of the Cherokee Nation.

No. 100888

J. P. Slaughter
Agent.

R.

C. B-856

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS on the matter of the application of Benjamin F. Falmour for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

J. E. Sequichie, Chelsea, I. T., agent for applicant.
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 20th, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration at its offices in Muskogee, Indian Territory, on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this date, to-wit: the 12th day of March, 1902, appears by his agent, J. E. Sequichie, Chelsea, I.T.

BY COMMISSION OF MR. SEQUICHIE: Is there any statement you desire to make? No sir.

Q. You submit the same for final consideration? **MR. SEQUICHIE:** Yes sir.

The Agent for the applicant and representative of the Cherokee Nation here present submit the case, and the same is considered completed, and will be reported to the Commission for final decision upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Wm. Hutchinson

Copy.

State of Georgia, Dawson County.

To any Judge, Justice of the Peace or Minister of the Gospel.

You are hereby authorized to join Benjamin F. Palmour and A.M. Mathews, in the Holy bands of Matrimony according to the laws of this State and for so doing this shall be your sufficient license which you are required to return to the Ordinary of said County with your certificate entered hereon of the facts and date of said Marriage.

Given under my hand and official signature this the 19th day of Sept. 1881.

(signed) Henry C. Johnson,
Ordinary.

I hereby certify that Benj. F. Palmour and A.M. Mathews were joined in holy Matrimony by me on the 9th day of Oct. 1881.

(signed) R.B.O. England M.G.

Daws Co
Georgia

I, Balaam Harben Ordinary in and for said County certify that the above is a true copy of the marriage certificate of Benj. F. Palmour & A.M. Mathews as it appears on record in my office.

Given under my hand and seal of office this 7th day of August 1897.

(signed) Balaam Harben Ordinary

(seal)

Dawson County, Ga.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original.

M.D. Green

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Benjamin F. Palmour for the enrollment of himself and his minor children John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 5, 1900, Benjamin F. Palmour appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself and his minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour as citizens by blood of the Cherokee Nation.

The evidence shows that Benjamin F. Palmour and his three elder children, John D., Bessie and Robert Palmour were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 22, 1887. Mary L., Sarah and Hugh A. Palmour have been born since the date of their father's admission to citizenship. They are all identified on the Strip payment roll of 1894.

It appears that all of the above named applicants removed from the Cherokee Nation in 1895, and went to the State of Georgia, in which State the said Benjamin F. Palmour exercised the right to vote. They did not return to the Cherokee Nation until 1900.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Benjamin F. Palmour, John D. Palmour, Bessie Palmour, Robert Palmour, Mary L. Palmour, Sarah Palmour, and Hugh A. Palmour as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner



Commissioner.

Dated at Muskogee, Indian Territory,

this _____

JUL 29 1902

Q. You turned over three acres? A. Yes, sir.
 Q. Is that all you turned back? A. And the place?
 Q. How long did Mr. Palmbar stay in 1896, when he came
 A. I don't know. It was a month or two.
 Q. He came down for the purpose of getting on the 1896 roll?
 A. I don't know whether he did or not. He was here.
 Q. What time in 1890 did he come back? A. What is what I
 say I don't remember.
 Q. About that time the commission commenced making the roll?
 A. Yes.
 Q. Did he generally vote against the commission?
 A. I don't know. I don't know what he did.
 Q. What did Mr. Palmbar take with him when he came down?
 A. Just took some things with him. He didn't have much.
 Q. What did he do with the land?
 A. He was there for a while.
 Q. A few weeks, or more, or less?
 A. Yes, sir.
 Q. From 1888 to 1890 did Mr. Palmbar have a horse or the cow
 that he lived in? A. Not that I know of. He lived in Mr.
 Spodden's house.
 Q. He didn't have a house of his own? A. I don't think he
 he is living in.
 Q. He didn't get control of that until he was in?
 A. Yes, sir.
 Q. Did he live as a tenant around in the country, working
 for other people? A. I don't know whether he worked for other
 people lived around with other people? A. Yes, sir.

NOV 11 1898
 F. H. T.

|||||

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Vinita, Indian Territory, April 24th, 1903.

-----X
 In the matter of the application of Benjamin F. Palmour for the enrollment of himself and his children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation.
 -----X

)
)
) Cherokee R-704.
)
)

Appearances:

Applicant appears in person.
 Cherokee Nation by J. C. Starr.

Benjamin F. Palmour, being duly sworn, testified as follows:

Examination by the Commission.

- Q. State your name? A. Benjamin F. Palmour.
 Q. How old are you? A. I will be 54 the 11th of next November.
 Q. What is your post office? A. Chelsea, Indian Territory.
 Q. Are you a Cherokee by blood? A. I have always claimed to be; yes, sir. That is what my father told me.
 Q. Where were you born? A. I was born in North Georgia.
 Q. You grew up there, didn't you? A. Yes, sir.
 Q. When were you admitted to citizenship in the Cherokee Nation? A. In '87, as well as I remember.
 Q. On the 22nd day of December, 1887, was it not?
 A. I can't remember the date precise.
 Q. Were you married at that time? A. Yes, sir; I was married the second time at that time.
 Q. Your children were admitted with you? A. Yes, sir.
 Q. When did you come to the Cherokee Nation from Georgia?
 A. Well, I have been here three times.
 Q. After your admission? A. After my admission I come in '93.
 Q. Were you here before that? A. I was here in '70.
 Q. You were a citizen at that time? A. Yes, sir.
 Q. Then you went back to Georgia and had to be readmitted in '87?
 A. Yes, sir.
 Q. They told you you were admitted in 87? A. Yes, sir.
 Q. At that time you lived in the state of Georgia?
 A. Yes, sir.
 Q. You say you then came to the Cherokee Nation in 1893?
 A. Yes, sir.
 Q. Did you bring your family with you at that time?
 A. Yes, sir.
 Q. Did you bring all your effects to the Cherokee Nation at that time?
 A. All but some debts. I had one mule I couldn't sell.
 Q. Just one mule that you left behind? A. Well, there was debts.
 Q. Did you leave any property. A. Nothing but what was perishable. A mule, something like that.

Q. Was there anything else? A. Nothing more than a growing crop.

Q. Did you have a farm there? A. No, sir.

Q. Were you just renting? A. Yes, sir.

Q. What became of the crop? A. I sold it. Then I went back to dig gold a while.

Q. Went when? A. I went in '95.

Q. I am talking about when you left Georgia in 1893.

You brought everything you could? A. I brought all my bedding and everything, except some household goods ~~xxx~~ that wasn't packable. I had nothing else left.

Q. What part of the Cherokee Nation did you come to?

A. Chelsea.

Q. Did you know anybody in Chelsea? A. I had relatives there.

Q. Who were they? A. Well, I had some cousins; Charley Davis. Then I had a brother. Two brothers that lived there close.

Q. What did you do when you first arrived in the Cherokee Nation? A. I went to work.

Q. Did you take a claim? A. I wasn't able to at that time. I hired.

Q. You hired out? A. Yes, sir.

Q. Were you housekeeping with your wife? A. Yes, sir; I hired a house.

Q. That was what time in 1893? A. That was about the first of June.

Q. How long did you continue to live in Chelsea then?

A. I didn't live at Chelsea then. I moved out in the country/

Q. Who did you hire out to? A. I hired out to a man by the name of Zulkrey. I worked until the crops was done.

Q. Then where did you go? A. I went to digging ~~gold~~ coal.

Q. On whose place? A. On my brother's place, Thomas Palmour. I was putting it out on the bank. He gave me \$5 a bushel for putting it out on the bank.

Q. You were hired to him? A. Yes, sir.

Q. How long did you continue doing that? A. Until I put in a crop in 1894.

Q. Where? A. I rented a place from my brother Charles. He had more than he could break.

Q. You rented a place from your brother? A. Yes, sir.

Q. And started to farm? A. Yes, sir.

Q. You had a crop that year? A. Yes, sir.

Q. What did you do next? A. That was in '95, that is when I went back to speculate and dig some gold, and settle my affairs.

Q. Did you take your family? A. Yes, sir.

Q. Did you take your stuff with you? A. Yes, sir; enough to do with the family.

Q. What did you do with the rest? A. I left it here with the place; chairs and so forth.

Q. You say you went down to Georgia to settle up some affairs? A. To wind up my affairs. That is property affairs and prospect.

Q. I thought you said you sold your crop? A. I sold it when I went back in 1895.

Q. When you left in 1893 did you leave some one to take that crop then? A. Yes, sir.

Q. You didn't sell it? A. No, sir; it was growing.

Q. What kind of a crop was it? A. It was a corn crop. Stood in the crib until 1895. The wheat was there also, part of it; what they didn't seal. They wouldn't seal because they couldn't get enough for it. I sold part of the corn, what I didn't feed my

I got another horse while I was prospecting for gold.

Q. Where were you living in Georgia when you went back.

A. Stayed there on my father's place.

Q. On your old place? A. I never had any place.

Q. The place you rented? A. Yes, sir, the same place I rented. Well, there was two places I had rented. But the former one, when I went back my son-in-law was living on it and the I lived in the other house until he moved out in the spring.

Q. You are speaking now about 1895? A. Yes, sir.

Q. How long did you continue to live in Georgia after you went back in 1895? A. I stayed there until 1900.

Q. Stayed there about 5 years? A. Yes, sir.

Q. What were you doing all this time. A. I was prospecting for gold. I was prospecting for the chance for a sale. Other parties had mines but there was an English syndicate had an option on it and I was pointing it out for them.

Q. Were you engaged by the year or by the month?

A. I was just engaged when they called on me. When they would bring companies in I would have to show it.

Q. The contract specified no time? A. The first contract did.

Q. How much? A. 12 months.

Q. Was that contract made after you went to Georgia?

A. Yes, sir; it was made after I went there.

Q. You didn't go prospecting for gold on your own account?

A. I went to prospect to get a bonus on the trade.

They paid me so much and the party that owned the mine would give me so much on the sale.

Q. You stated in your previous testimony that you voted down there in Georgia? A. Yes, sir.

Q. At what elections? Presidential? A. No, sir; I never voted at any presidential elections. General election, state election.

Q. Did you vote in the state election in 1896, the year after you went back? A. No, sir. I never voted that year.

Q. Do you remember when McKinley and Bryan were running. Did you vote in that election? A. No, sir; never voted in that election. I voted in the state--that is representatives, etc.

Q. How often did you vote down there? A. I voted one time.

Q. Just once? A. Yes, sir.

Q. What year was that? A. It was in 1898, I think.

Q. For congress or state representatives? A. State representatives; general election. You see I just voted one time.

Q. How did you come to do that A. Why, I just voted. Of course I kept no item of it.

Q. Did you ever go to farming again while you were down there?

A. Only with the boys; the boys that was too small to help me in the mines.

Q. What was the cause of your coming back to the Cherokee Nation in 1900? A. I come back to make my home on this property.

Q. Where was your home? A. Down below Chelsea about four miles.

Q. Did you have any farm, any claim there? A. Yes, sir.

Q. Where? A. Since the survey was made it is in Section 13.

Q. Did you make your claim before you went away? A. Yes, sir.

Q. I thought you told me you rented a farm from your brother?

A. That was before I got this one.

Q. This one that you speak of, when did you get it? A. It was in the fall of 1894. The same year I made the crop over there at my brother's. I can send you the bill of sale.

Q. Who did you buy this place from? A. I bought it from

widow Nellums.

- Q. Was she a citizen? A. She was at that time.
- Q. What did you do with reference to taking possession of it?
- A. I built a fence.
- Q. Did you enclose all of it with fences? A. No, sir; I bought to what she had built on the north.
- Q. Was it all enclosed then? A. There was about a hundred acres enclosed.
- Q. That was all the improvements you made on it?
- A. All the improvements I made on it at that time.
- Q. Did anybody occupy that place while you were gone?
- A. Yes, sir; Mrs. Nellums had leased it to a man and I couldn't get him off.
- Q. Did he occupy it all the time you were gone? A. No, sir; he occupied it until '97 or '8.
- Q. Did you collect the rents? A. I couldn't collect the rents from the contract I had. I got rent from the land I fenced in.
- Q. Was your right to that place ever disputed by anybody?
- A. No, sir; never has been disputed.
- Q. It has been considered yours ever since you bought it in 1894? A. Yes, sir. A man here has had charge of it all the time, in my stead. Also, I had another place. I had forgotten that place. I had a half interest with my brother.
- Q. When you returned to the Cherokee Nation did you go back to that place in the Cherokee Nation? A. Yes, sir.
- Q. Have you owned it ever since? A. Yes, sir.
- Q. When you left Georgia in 1893 what was your purpose and intention in coming to the Cherokee Nation? A. I was coming here to make me a home.
- Q. Did you make a home here? A. Yes, sir; I made the place I am living on.
- Q. What was your purpose in going back to Georgia? A. To prospect gold and wind up these little affairs.
- Q. Did you go back to Georgia with the intention of making your home there? A. No, sir; I never went back there for that purpose at that time.
- Q. Where did you consider your legal residence all the time you were in Georgia? A. Down here below Chelsea.
- Q. In the Cherokee Nation? A. Yes, sir. I had more right here than I did there.
- Q. What effects did you leave in the Cherokee Nation when you went back to Georgia in 1895? A. I left some horses; two good horses, wagon, some chickens, some chairs and some bedding, table, etc. Just as a fellow would have out on a farm.
- Q. What was your purpose in leaving those things behind you?
- A. To come back here.
- Q. You didn't need them on your journey or while you were in Georgia? A. No, sir.
- Q. It was your intention to come back? A. Yes, sir.
- Q. Did you make any contract or any arrangement with this man on your place as to paying you rent? A. Yes, sir. I made a contract, that man said he would pay me rents on the ground I fenced in.
- Q. Cash rent or how? A. It was in hay, corn or wheat, etc.
- Q. He paid you ever year? A. Every year he paid me in building. You see I would hire him to build. I never had any money shipped out of here.
- Q. Do you say now that your home, your legal residence, has been in the Cherokee Nation ever since June, 1893?
- A. Yes, sir; that is what I considered.
- Q. That you haven't, at any time, ~~stunt~~ abandoned your residence in the Cherokee Nation? A. No, sir; not intentionally, I haven't. I have considered it my home. That is all the place I had.

Q. You never came back to the Cherokee Nation between 1895 and 1900? A. Yes, sir; I was here in 1896.

Q. What were you here for? A. I was here to enroll. They were taking the roll in 1896.

Q. To enroll and attend to what other business? A. To see after my farm. I sold my corn. I went over to Adda Campbell's and sold it for 15¢ a bushell. That is all it was worth that year.

Q. Did you consider you were a citizen of the state of Georgia at the time you were living there between 1895 and 1900? A. No, I didn't consider I was a citizen of the state.

Q. Did you consider you had a right to vote? A. No, I didn't claim I had any right. I had no more right to vote than any other man that didn't live there.

Q. How did you come to ~~ask~~ it? A. Well, they didn't challenge it.

Q. How did you come to offer to vote? A. Well, I was over to the precinct.

Q. Was it a hotly contested election? A. No, sir.

Q. Nobody pressed you to vote? A. There was two parties-- that is pressure between two candidates for county officers.

Q. Did you vote at this last treaty election in the Cherokee Nation? A. Yes, sir.

Q. Was ~~your~~ vote challenged? A. No, sir; never a word said. That ~~was~~ was on the 7th day of August, as well as I remember.

Examination by Mr. Starr.

Q. Had you heard of there going to be a strip payment when you came in '93? A. Yes, sir.

Q. You heard of the sale of the Cherokee land in Oklahoma at that time? A. Yes, sir.

Q. Isn't it a fact that you came back to get that strip money?

A. Well, not any more than to make my home here.

Q. Wasn't that your object in coming in 1893? A. Probably my object in coming in 1893 was that that would enable me to make my home here.

Q. Why didn't you come earlier than 1893? A. I was hardly able. I borrowed money when I come. The parties waited on me until I drew money to pay it back.

Q. But you left soon after the strip payment? A. I went back there to prospect that mine.

Q. Did it take you from 1895 to 1900 to wind up your affairs?

A. With the hopes of making a sale in the mines; that is making the bonus, or getting a percent on the sales. I got complicated in law in the winter of 1899.

Q. You lived there in Georgia the same as any other citizen, from 1895 to 1900? A. About as I always had.

Q. Lived there as you always had? A. Yes, sir.

Q. Just as any other citizen? A. Well, I claimed that I wasn't a citizen. When I went back, on the first election I wouldn't vote at all. I didn't vote but the one time.

Q. What did you say about a lease being on this place?

A. Mrs. Nellums, through one Ed Bird, down here at Chelsea, had leased the place.

Q. Who did she have it leased to? A. Had it leased to ~~th~~ a man by the name of Prins.

Q. At the time you bought it? A. Yes, sir.

Q. How long did he stay on the place? A. He stayed four years, I believe, before the lease was out. He wouldn't move off.

Q. The man that had the lease wouldn't get off? A. No, sir.
Q. You didn't have possession of it? A. I got possession of this part I am telling you about.
Q. What part of it is that? A. That is the north part.
Q. That stuff you say you left here, who did you leave it with? A. I left part with my brother and part with my daughter.
Q. Where did your brother live? A. He lives down here near Chelsea.
Q. Why did you leave that. To come back here. I can prove by them, the contracts ~~that~~ that was made with them. They was to hold it until I returned. I went off to be gone but two years.
Q. How many chairs did you leave with them? A. There was five, I believe.
Q. Who did you leave the chairs with? A. With my daughter.
Q. What is her name? A. Evaline.
Q. Where does she live? A. She lives down right close to where I live. She lived at Chelsea at that time, had a place in Chelsea.
Q. Who did you leave the other stuff with? A. David S. Palmour, my brother.
Q. Where does he live? A. He lives near Chelsea, about three and a quarter miles.
Q. What was the value of the stuff that you left here?
A. I think, as well as I remember, I gave 65 or 70 a piece for the chairs. And the horses and wagon, I gave \$340 for, and I had to pay Mrs. Hellums \$300 to get the place.
Q. Who did you leave the horses and wagon with?
A. I left them with my son in law.
Q. You didn't sell them to him? A. No, sir. They was large horses. I notified him to trade them off for steak. They were getting old. He swapped them for a cow and some hogs and another horse.
Q. What did you do with the wagon? A. I told him to keep it for taking care of these horses.
Q. You gave him the wagon for taking care of the horses?
A. Yes, sir; for the trouble he was at.
Q. How did you move when you went back to Georgia?
A. I went on the railroad.
Q. Where did you go to in 1900 when you returned?
A. Chelsea.
Q. Who had charge of the farm at that time? A. My son-in-law.
Q. When did this man having the lease on that farm leave it?
A. He left it in '99, I believe.
Q. From the time you bought it until '99 you had no control of this land that was leased. A. No, sir; that is not any more than I made him keep up the fence.
Q. Well, the man that had it leased wouldn't give it up. That is what you told me. What property did you take with you in 1895? A. Well, my bedding.
Q. What else. Nothing else. Just some bedding. Just enough to run the family. The rest I left with my daughter.
Q. Took everything you needed to go to housekeeping?
A. Yes, sir.
Q. You took furniture enough to keep house? A. A few; yes, sir.
Q. You took beds and bedding back with you when you went in 1895? A. I took four beds.
Q. That was all the beds you needed? A. Yes, sir.
Q. You actually set up to house keeping when you got back there? A. Well; yes, sir, set up temporarily.
Q. You kept house from 1895 to 1900? A. Part of the time.

Some of the time I didn't. My wife died there; that threw me out; I put the children around with the folks.

Examination by the Commission.

Q. You say when you left the Cherokee Nation in 1895 your intention was to be gone two years? A. Yes, sir; that was my intention.

Q. Did you intend to come back to the Cherokee Nation in two years? A. Yes, sir.

Q. Did your wife die in that two years? A. No, sir; she didn't die in that two years.

Q. What prevented you from returning? A. Well, the prospect of making a sale of that gold mine. Nothing prevented me.

Q. When did your wife die? A. She died in '99. She was sick quite a bit. She was sick twice so I couldn't move. That wasn't before that two years.

Q. Is that the reason you came back here, because your wife died? A. Oh, no, sir.

Q. You intended to come back any how? A. Yes, sir.

Examination by Mr. Starr.

Q. You say you went back to Georgia in 1895 with the intention of prospecting for gold? A. Yes, sir; that was the most important part. Yes, sir; I had commenced it 20 years before that.

Q. What did you intend to do with reference to staying there if you found the gold? A. The prospect of the sale encouraged it.

Q. It was your intention, if you found gold, to continue to stay there? A. No, sir; my intention wasn't to stay there as long as I did stay there. I didn't go to stay as long as I did.

Q. Well, you did stay, when you went there? A. I stayed longer than I wanted to.

Charles F. Palmour, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Charles F. Palmour.

Q. How old are you? A. 43 years old.

Q. Where do you live? A. I live at Chelsea.

Q. Are you related to Benjamin F. Palmour. A. Yes, sir.

Q. What relation are you? A. Brother.

Q. How long have you lived in the Cherokee Nation?

A. Since '87, November '87.

Q. Where have you been living during that time? A. Near Chelsea.

Q. When did your brother Benjamin first come to the Nation?

A. He first come to the Nation in '71, I believe. '70 or '71.

Q. After his admission in 1887? A. Fifty something. I don't remember.

Q. Was it before or after the dtrip payment? A. It was before.

Q. Where did he come to? A. He come to Chelsea.

Q. To your place? A. Yes, sir.

Q. Did he have his family with him? A. Yes, sir.

Q. Wife and children? A. Yes, sir.

Q. Did he have household goods and effects? A. Yes, sir.

Q. What did he do during the two years he lived around Chelsea? A. He farmed.

Q. Did he buy a farm in the Cherokee Nation? A. Yes, sir.

Q. Where? A. Bought one on the Verdigris river and one about 5 or 6 miles south of Chelsea.

Q. Who did he buy those places from? A. Bought the place of the Verdigris river from Bill Ward.

Q. How big a place is that. Why, I couldn't tell you, but something over a hundred acres. Him and my other ~~brother~~ brother bought it together.

Q. Where was the other place? A. Six miles south of Chelsea.

Q. Who did he buy it from? A. Bought that from widow Hellums.

Q. What did he do by way of improveing that place? A. Well, put up wire and posts and had some breaking done.

Q. Breaking the land? A. Yes, sir.

Q. Did he go on the place himself and farm it? A. No, not on that place. Not at that time.

Q. Do you remember when he left the Cherokee Nation and went back to Georgia? A. It was in 1895, I believe. I wouldn't be certain.

Q. Did you see him at the time he left? A. Yes, sir.

Q. What did he take with him? A. Why, he took his family and some beds, household goods.

Q. Did he leave any household goods in the Nation? A. I think he did.

Q. Do you know that he did? Did he leave any with you? A. No, he never left any with me.

Q. Did he leave any with anyone else that you know of? A. I think he left some with his son-in-law.

Q. Do you know that? A. I don't know it.

Q. Did you have any conversation with your brother about his going back to Georgia? A. Yes, sir.

Q. State what that was? A. Why, his intention was to go back and prospect in the gold mine and he intended to come back.

Q. What did he say about it? A. Why, he said he was coming back. He didn't say when.

Q. He didn't say when he was coming back? A. No. He told me to attend to his farm on the Verdigris river.

Q. That is the farm he had an interest in with his brother? A. Yes, sir.

Q. What is that brother's name? A. David S.

Q. Did you look after his interest there? A. Yes, sir.

Q. What did you do. A. I rented the place and applied the rents on the place, all except \$4.

Q. In the way of improving it? A. In the way of improveing it; dug and well and built fences.

Q. When your brother first came to the Nation in 1893, do you know if he came here for the purpose of making his home here? A. Well, from what he done I think he did.

Q. And from what he said? A. From what he done and said.

Q. Did you ever talk with him? A. Yes, sir. His intention was to make this his future home.

Q. Did he tell you that? A. Yes, sir.

Examination by Mr. Starr.

Q. Did he ever tell you about his intention to come down and get some of that strip money.

- A. Yes, he told me he wanted some of that.
- Q. Was he down here to get the strip money? A. Yes, sir.
- Q. He left right after he got it? A. He left in '95, December, I think.
- Q. What did he tell you about coming back, when he left?
- A. Well, he told me he was coming back to live here, if he didn't die before he got back.
- Q. What did he take with him? A. He took his family.
- Q. Any household goods? A. Yes, he had some household goods.
- Q. He had enough to keep house? A. Yes, I suppose so.
- Q. How did he go, on the railroad? A. Yes, sir.
- Q. He took everything he could take with him in that way, didn't he? A. No, I reckon not. I could have taken more, I think.
- Q. Did he take all that he needed to take at that time?
- A. Yes, sir.
- Q. To keep house on back there? A. Yes, sir.
- Q. Bedding? A. Yes, sir.

John DeLozier, being duly sworn, testified as follows:

Examination by the Commission.

- Q. State your name? A. John DeLozier.
- Q. How old are you? A. I am 38 past.
- Q. What is your post office? A. Chelsea.
- Q. Are you a citizen of the Cherokee Nation? A. By marriage.
- Q. Do you know Benjamin F. Palmour? A. Yes, sir.
- Q. Are you related to him? A. By marriage.
- Q. His son in law? A. Yes, sir.
- Q. When were you married? A. '94, July 15th.
- Q. That was the year before Mr. Palmour left the Cherokee Nation for Georgia? A. Yes, sir.
- Q. Now, you are a farmer? A. Yes, sir.
- Q. Do you remember the occasion of Mr. Palmour going back to Georgia? A. Yes, sir.
- Q. What property did he take with him when he went back?
- A. Just some household goods, that I know.
- Q. Did he leave any household goods in the Nation?
- A. Yes, sir; left some chairs, chickens, wagon, team and harness.
- Q. Who did he leave those with? A. With me.
- Q. What did he tell you with reference to the stuff he was leaving? A. Why, he left it in my care until he come back.
- Q. Did he say anything to you about coming back? A. Yes, sir. He left them with me until he returned.
- Q. What did he say about coming back? A. I don't know just what.
- Q. Did you ask him if he was coming back? A. Yes, sir; that was the agreement.
- Q. It was understood by all that he was coming back?
- A. Yes, sir.
- Q. He told you what to do, did he? A. Take care of them until he returned.
- Q. Did Mr. Palmour have a place in the Cherokee Nation?
- A. Yes, sir.
- Q. Was that place rented? A. It was leased.

Q. It was leased when he bought it? A. Yes, sir.

Q. He never moved onto that place? A. No, sir; not before he went away.

Q. Where had he been making his home? A. He lived up above town about a mile and half on Mr. McSpadden's place.

Q. He was renting from Mr. McSpadden? A. I don't know whether he was renting. He lived in the house.

Q. Did you keep that stuff until he came? A. Yes, sir.

Q. All of it? A. Well, I traded the team off for a cow and some stock.

Q. Did Mr. Palmour authorize you to do that if I could make a trade? A. Yes, sir;

Q. When did Mr. Palmour come back? A. I declare I couldn't say. I don't remember.

Q. About how long ago? A. I declare I don't know whether 2 or 3 years. I don't remember just when.

Q. Where did he come when he come back? A. He rented a house in town until I could get out of his house.

Q. You were living in his house? A. Yes, sir; I was living on his place.

Q. Did you move there as soon as he bought it? A. After the lease run out.

Q. When did you move onto it? A. I couldn't say.

Q. How long had Mr. Palmour been gone when you moved there. A. I don't know just when the lease run out.

Q. It was sometime while he was gone to Georgia? A. Yes, sir.

Q. You moved on the place until he come back? A. Yes, sir.

Q. Had Mr. Palmour ever visited the Cherokee Nation during the period from 1895 to 1900? A. Yes, sir; he was here in 1896.

Q. What was he doing? A. He come to enroll.

Q. Anything else? A. Not that I know of.

Q. How long did he stay? A. I couldn't say that.

Q. He stayed at your place, did he? A. Yes, sir.

Q. Were you living on his farm then? A. Yes, sir.

Q. Did he make any inquiry of you how things were going on on the farm? A. Not that I know of. It has been so long I don't remember it if he did.

Q. Were you paying rent for the farm? A. Yes, sir, one third.

Examination by Mr. Starr.

Q. How long did you live on that place before Mr. Palmour come back in 1900? A. That is what I don't remember; 2 or 3 years.

Q. How much rent did you pay him? A. I paid him the rent, one third.

Q. Did you send him the money? A. No, sir; I paid him when he come back.

Q. How much. A. I don't remember how much it was now.

Q. You say he left some chickens and chairs with you? A. Yes, sir.

Q. Did you keep the chickens while hwas gone? How many? A. Six hens and a rooster.

Q. Did you keep they? A. Yes, sir. I don't know whether they are the same ones.

Q. He gave you six hens and a rooster? A. I don't know whether I gave him back the same rooster or the same hens but I turned over the same number of chickens.

Q. How many chairs did he leave with you? A. He left three chairs.

Q. What did you do with the three chairs. A. They are there now.

- Q. Have you got them? A. He has got them.
- Q. What kind? A. Cane bottom chairs, home made.
- Q. What did you do with the team? A. I traded it off.
- Q. Under his authority? A. Yes, sir.
- Q. What did you do with the wagon? A. Traded it off.
- Q. Isn't it a fact he gave you the wagon for taking care of the team? A. Yes, sir; I used the wagon.
- Q. You didn't turn back the same horses? A. No, sir.
- Q. You didn't turn back the same chickens? A. No, sir.
- Q. You turned over three chairs? A. Yes, sir.
- Q. Is that all you turned back? A. And the place.
- Q. How long did Mr. Palmour stay in 1896, when he came? A. I don't know. It was a month or two.
- Q. He come down for the purpose of getting on the 1896 roll? A. I don't know whether he did or not. He was here.
- Q. What time in 1900 did he come back? A. That is what I say I don't remember.
- Q. About the time the Commission commenced making this roll? A. I don't know.
- Q. It was generally understood that the Commission was going to make a roll? A. I don't know anything about that.
- Q. What did Mr. Palmour take with him when he went away? A. Just took some things with him. He left a feather bed with me to.
- Q. What did you do with it? A. I kept it.
- Q. Where is it? A. He has got it.
- Q. A feather bed, three chairs, then, you turned over to him? A. Yes, sir.
- Q. From 1893 to 1895 did Mr. Palmour have a house of his own that he lived in? A. Not that I know of. He lived in Mr. Neppaden's house.
- Q. He didn't have a house of his own? A. Only think house he is living in.
- Q. He didn't get control of that until you moved in? A. No, sir.
- Q. Did he live as a tenant around in the country, working for other people? A. I don't know whether he farmed any ernot.
- Q. He lived around with other people? A. Yes, sir.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ^{10th} day of May, 1903.

Jesse O. Carr
Samuel Foreman

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

In the matter of the application of Benjamin F. Palmour for the enrollment of himself and minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on December 5, 1900, Benjamin F. Palmour appeared before the Commission at Tablequah, Indian Territory, and made personal application for the enrollment of himself and minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 12, 1902. On July 29, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval and the Department approved said decision on September 25, 1902. Under date of April 3, 1903, the Department returned the record in said case to the Commission for readjudication, and further proceedings in the matter of said application were had at Vinita, Indian Territory, on April 24, 1903.

The evidence shows that all of the applicants herein are Cherokees by blood; that the said Benjamin F. Palmour, together with his children, John D., Bessie and Robert Palmour, was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said nation, on September 22, 1887; that Mary L., Sarah and Hugh A. Palmour have been born since the date of their father's admission to citizenship; and that all of said applicants are identified on the 1894 Strip payment roll of the Cherokee Nation.

The evidence further shows that all of said applicants removed to and settled in the Cherokee Nation in 1893 and resided therein until about 1895, when they went to the state of Georgia, residing therein until 1900, at which time they again removed to the Cherokee Nation and have since continuously resided therein.

The evidence further shows that while said applicants were residing in the state of Georgia, from 1895 to 1900, they owned personal property in the Cherokee Nation.

Cherokee D #833
(#704)

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D 937 (I.T.D. 2900-1903), that the said Benjamin F. Palmour, John D. Palmour, Bessie Palmour, Robert Palmour, Mary L. Palmour, Sarah Palmour and Hugh A. Palmour should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

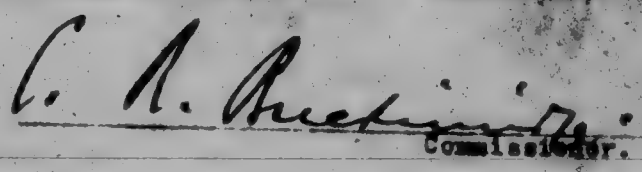
COMMISSION TO THE FIVE CIVILIZED TRIBES.



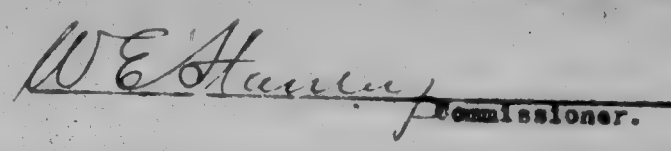
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,
this SEP 18 1903

41

D 888

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 25 1902

COMMISSIONERS:
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
G. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

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

Muskogee, Indian Territory, February 20, 1902.

Mr. Benjamin F. Palmour,

Chelsea, Indian Territory,

Sir:-

You are hereby notified that the application of yourself and six minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so!

Cherokee D-222
Register.

Yours truly,

Commissioner in Charge.

Yuskogee, Indian Territory, July 29, 1902.

Benjamin F. Palmour,
Chelsea, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and your six children, John D., Bessie, Robert, Mary L., Sarah, and Hugh A. Palmour, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your agent, J. E. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings in the case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

W. H. Seales

Commissioner in Charge.

Register.

Enc. C. No. 106.

00

Muskegee, Indian Territory, July 29, 1902.

J. R. Sequichie,
Agent for Benjamin F. Palmour, et al.,
Chelsea, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Benjamin F. Palmour for the enrollment of himself and his six children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

I. I. Needles.

Commissioner in Charge.

Register.

Enc. C. No. 107.

COPY

Cherokee D 666.

Muskegee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskegee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Benjamin F. Palmour for the enrollment of himself and his six children, John D., Beattie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

E. I. Hedden

Commissioner in Charge.

Enc. C. No. 108.

COPY

Cherokee D 808.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Benjamin F. Palmour for the enrollment of himself and his six children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated July 25, 1902, rejecting said application.

Very respectfully,

F. B. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 109.

Refer in reply to
the following:

Land
45882-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Benjamin F. Palmour, for the enrollment of himself, and his children John D., Bessie, Robert, Mary L., Sarah and Hugh, as citizens by blood of the Cherokee Nation.

The record shows that Benjamin F. Palmour and his three oldest children, John D., Bessie and Robert, were admitted to citizenship in the Cherokee Nation September 22, 1887. Mary L., Sarah and Hugh A., were born since the date of their father's admission.

All the applicants are identified on the strip payment roll of 1894 and have all resided in Georgia from 1895 to 1900, when they removed to the Cherokee Nation.

The Commission declined to enroll them because they had not prior to June 28, 1898, permanently resided in the Cherokee Nation. The office recommends that the decision of the Commission be affirmed.

Very respectfully,
Your obedient servant,
A. C. Tonner,
Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 16383-1902.

57372

J. P.

L. R. S.

473

EAF.

ITD. 4992 & 5857-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 25, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 29, 1902, you transmitted the record in the matter of the application of Benjamin F. Palmour for enrollment of himself and his minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as Cherokee citizens by blood.

The evidence shows that certian of the applicants were admitted to Cherokee citizenship in 1887, and all the applicants are identified on the Strip payment roll of 1894; that the applicants removed from the nation to the State of Georgia in 1895, and did not return to the Cherokee Nation until 1900, except the father who returned for about a month in 1896 for the purpose of being enrolled, which, it is stated, as shown by your records, was refused to him, and he likewise failed to secure the enrollment of his wife, then living, and of the children herein enumerated. It also appears that during the period the principal applicant was staying in Georgia, from 1895 to January, 1900, he exercised the right of suffrage, voting for county officers, members of the Legislature and probably for Governor and Congressmen. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), you denied the

application July 29, 1902, because of nonresidence in the nation or Indian Territory.

The Acting Commissioner of Indian Affairs recommends that your decision be approved. Copy of his letter of August 15th is inclosed.

A decision of September 7, 1902, was withdrawn to afford the attorneys for applicants an opportunity to file argument, which argument was received September 23, 1902. The Department affirms your decision in accordance with its previous interpretation of said paragraph 9 of the act of June 28, 1898.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

KMD

COPY

Cherokee D 888.

Muskogee, Indian Territory, October 9, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Benjamin F. Palmour for the enrollment of himself and his six minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 25, 1902.

Respectfully,

James Dixey.
Acting Chairman.

COPY.

Cherokee D 888.

Muskogee, Indian Territory, October 9, 1902.

J. R. Sequichie,

Agent for Benjamin F. Palmour, et al.,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Benjamin F. Palmour for the enrollment of himself and his six minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 25, 1902.

Respectfully,

James Smith
Acting Chairman.

007

Cherokee D 888.

Muskegee, Indian Territory, October 9, 1902.

Benjamin F. Palmour,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself and your six minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 25, 1902.

Respectfully,

[Signature]
Acting Chairman.

Cherokee R-704

Maakogee, Indian Territory, November 8, 1902.

Benjamin F. Palmour,

Chelsea, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of marriage license and certificate, showing your marriage on October 9, 1881, to A. M. Mathews; also certified copy of certificate of the Commission on Citizenship, showing your readmission, on October 1, 1887, to citizenship in the Cherokee Nation.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-2174

D.C.8395-1903.

J.P.

DEPARTMENT OF THE INTERIOR.

FHE.

IT.D.4997-1902.

WASHINGTON.

2649-1903.

March 23, 1903.

L.R.S.

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

Gentlemen:

March 12, 1903, the attorneys for Benjamin F. Palmour, et al., requested that the case involving his application et al., for enrollment as citizens of the Cherokee Nation be reopened, in which case a decision adverse to the claimants was rendered by the Department September 25, 1902, as the points of law in said case are similar to those involved in the case of Joseph D. Yeargain, et al., and that you be directed to withhold from allotment the lands embracing the improvements of the applicants.

The application to reopen the case is hereby granted, in order that a reexamination of the matter may be had in the light of the opinion of March 16, 1903 in the Yeargain case, and it is directed that you take proper steps to protect all rights the applicants may have until further advice in the matter.

Respectfully,

Thos. Tyan,

Acting Secretary.

COMMISSIONERS
TAMM SIXBY.
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

Cherokee D-888.

g.s.
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 1, 1903.

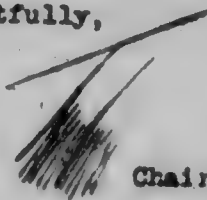
P. G. Reuter,
Clerk in Charge Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of March 23, granting the motion of the attorneys for the applicants to reopen the case of Benjamin F. Palmour, et al., whose application for enrollment as citizens of the Cherokee Nation has heretofore been rejected by the Commission and the decision approved by the Department on September 25, 1902.

Your special attention is called to the last paragraph of this copy of the Department's letter, in which the Commission is directed to take proper steps to protect all the rights the applicants may have until further advice in the matter. Until further orders, therefore, you will treat this case as a pending application, and will protect the rights of the applicants accordingly.

Respectfully,



Chairman.

Enc. M-87.

D.C. 9840-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.P.
FILE.

I.T.D. 4997-1902.
2849-1903.
3434- "

April 3, 1903.

L.R.S.

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

Gentlemen:

September 25, 1902, the Department affirmed your decision rejecting the application of Benjamin F. Palmour for the enrollment of himself and his minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation.

It appeared that the applicants were admitted to citizenship in the Cherokee Nation in 1867; that they removed from Georgia to the Nation in 1892 or 1893, and returned to Georgia in 1895, and did not return to the Cherokee Nation until 1900; that while the principal applicant was in Georgia from 1895 to 1900, he exercised the right of suffrage, voting for county officers, members of the legislature, and probably for governor and congressmen.

The testimony in this case was taken and your decision and
were
that of the Department rendered under a different understanding of
paragraph 9 of section 21 of the act of June 25, 1902 (32 Stat., 625)
from that expressed by the Department in its decision of March 25,

1903 in the case of Clement G. Clarke, and in the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case.

Upon motion for review the Department has reconsidered the case, and in view of said opinion and decision of March 17, 1903, the decision of September 25, 1902 is hereby rescinded, and the case is remanded for further proceedings and readjudication in the light of said opinion and decision.

Apparently Palmour became a citizen of Georgia, but he claims to have left in the Nation certain "effects."

The Department desires all the information possible on these points.

The testimony and papers attached thereto, and argument filed September 23, 1902, are inclosed herewith.

Respectfully

Thos. Ryan,

Acting Secretary.

2 inclosures.

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee R-704

Muskogee, Indian Territory, April 17, 1903.

Benjamin F. Palmour,
Chelsea, Indian Territory.

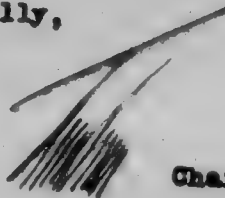
Dear Sir:

You are hereby notified that your motion made to reopen, for the purpose of taking further testimony, your application for the enrollment of yourself and family as citizens of the Cherokee Nation, was granted by the Secretary of the Interior on April 3, 1903.

You are advised that any further testimony which you may have to introduce tending to establish the rights of yourself and family to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Evidence is particularly desired as to your residence in the Cherokee Nation.

Respectfully,



Chairman.

Cherokee R-704

Muskogee, Indian Territory, April 17, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 3, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking further testimony, the application of Benjamin V. Falmow, et al., for enrollment as citizens of the Cherokee Nation.

Evidence is particularly required as to the residence of these applicants in the Cherokee Nation, and the principal applicant and her agent have, this day, been notified that any further testimony they may have to introduce can be presented before the Cherokee Land Office of this Commission on or before May 15, 1903.

Respectfully,

Chairman.

HORS

Cherokee R-704

Muskogee, Indian Territory, April 17, 1903.

J. R. Sequichie,

Agent for Benjamin F. Palmour, et al.,

Chelsea, Indian Territory.

Dear Sir:

You are hereby notified that the motion made to reopen, for the purpose of taking further testimony, the application of Benjamin F. Palmour, et al., for enrollment as citizens of the Cherokee Nation, was granted by the Secretary of the Interior, on April 3, 1903.

Any further testimony which you may have to introduce tending to establish the rights of these applicants to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Evidence is particularly required as to the residence of the applicants in the Cherokee Nation.

Respectfully,

Chairman.

ORS

Cherokee R-704.

Tahlequah, Indian Territory, July 8, 1903.

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

Gentlemen:

In the matter of the application of Benjamin F. Palmer
et al. for enrollment as Cherokee citizens, Cherokee R-704, there
is transmitted herewith, the original record, together with
supplemental testimony of April 24, 1903, the case having been
reopened by the Department on March 23, 1903.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

A. B. Co.
M. R.

COPY

Cherokee D-822

(8704)

Muskogee, Indian Territory, September 28, 1906

W. W. Hastings,

Attorney for the Cherokee Nation,

Tablequah, Indian Territory,

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1906, granting the application of Benjamin P. Palmour for the enrollment of himself and his minor children, John D., Bessie, Robert, Mary, Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the application. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

James B. King

COPY

Cherokee D-888
(B-704)

Muskogee, Indian Territory, October 13, 1903.

Benjamin F. Palmour,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of yourself and your six minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your agent, J. R. Esquichie, Chelsea, Indian Territory, a copy of the record of proceedings in the original application and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

John Dixby

Encl. D-130.

Chairman.

Register.

Cherokee D-688
(R-904).

Muskogee, Indian Territory, October 13, 1903.

J. R. Sequichie,
Agent for Benjamin F. Palmour et al.,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of Benjamin F. Palmour for the enrollment of himself and his six minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision dated September 18, 1903, granting his said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tama Dixby

PY

Cherokee D-888
(B-704).

Muskogee, Indian Territory, October 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 3, 1903, (ITD. 4997-1902, 2649-3434-1903), there is herewith transmitted the record of proceedings had in the matter of the application of Benjamin F. Palmour for the enrollment of himself and his six minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation, including the Commission's decision dated September 18, 1903, granting his said application.

Respectfully,

James H. ...
Chairman.

Enc. D-132

Through the

Commissioner of Indian Affairs.

Refer in reply to
the following:
LAD.
44490/1903.
66732/1903.

(COPY)
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Feb. 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 16, 1903, (I.T.D. 4997/6137), forwarding to this office a brief filed by Kimball and White in the matter of the enrollment of Benjamin F. Palmer, et al, for enrollment as citizens of the Cherokee Nation, there is enclosed herewith a report from the Commission to the Five Civilized Tribes dated October 13, 1903, transmitting the record in said case.

Ben F. Palmer applied for the enrollment of himself and his minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmer, as citizens by blood of the Cherokee Nation.

The Commission first found that the applicants were not entitled to enrollment and this decision was approved by the Department September 25, 1902. April 3, 1903, the Department returned to record in the case to the Commission for readjudication and further proceedings. The Commission in its decision of September 16th last, following the Department in the Yeargain case, held that the applicants are entitled to enrollment.

The record in the case as it is now, shows that the principal applicant, John D., Bessie and Robert Palmer, were admitted to citizenship in the Cherokee Nation by the tribal authorities

September 22, 1887. Mary L., Sarah and Hugh A. were born since their father's admission. All of the applicants are identified by the 1894 payments.

The record also shows that the applicants all settled in the Cherokee Nation in 1893 and resided there until 1895, when they went to Georgia, where they resided until 1900, when they removed to the Cherokee Nation where they have since resided. From 1895 to 1900, during the residence of these applicants in Georgia, the record shows that the principal applicant owned personal property in the Cherokee Nation.

In view of the Department's holding in the Yeargain case, it is believed by the office that the Commission's decision of September 8, 1903, is correct and its approval is recommended.

Very respectfully,

GAV-H

Acting Commissioner.

(COPY)

D C 7080-1904
I.T.D. 1484-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J. P.
FHE

February 29, 1904.

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

Gentlemen:

February 18, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Benjamin F. Palmour, for the enrollment of himself and minor children, Jean D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation.

It appears, as stated in your decision, that Benjamin F. Palmour, together with said John D., Bessie and Robert Palmour, were duly admitted to citizenship in the Cherokee Nation on September 22, 1887; that Mary L., Sarah and Hugh A. Palmour were born subsequent to the date of their father's admission to citizenship. All of the applicants are identified on the 1884 strip payment roll of the Cherokee Nation.

It appears that the applicants removed to the Cherokee Nation in 1893 and resided there until about 1895, when they went to Georgia, remaining there until 1900, at which time they again removed to the Cherokee Nation, and have since continuously resided therein.

September 18, 1903, you rendered your decision, holding that the parties were entitled to enrollment, in accordance with the provisions of section 21 of the act of June 28, 1898 (30 Stat., 495). The

Acting Commissioner recommends that your decision be concurred in.
A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby
affirmed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.

Cherokee R 704

Muskogee, Indian Territory, March 10, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 18, 1903, granting the application of Benjamin F. Palmour for the enrollment of himself and his six minor children, Jean D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 29, 1904.

Respectfully,

Commissioner in Charge.

Cherokee R 704

Muskogee, Indian Territory, March 10, 1904.

J. R. Sequichie,
Agent for Benjamin F. Palneur, et al.,
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 18, 1903, granting the application of Benjamin F. Palneur for the enrollment of himself and his six minor children, John D., Maggie, Robert, Mary L., Sarah and Hugh A. Palneur, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 29, 1904.

Respectfully,

Commissioner in Charge.

Cherokee R 704

Muskogee, Indian Territory, March 10, 1904.

Benjamin F. Palmeur,
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 18, 1903, granting your application for the enrollment of yourself and your six minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmeur, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 29, 1904.

Respectfully,

Commissioner in Charge.

Cher 10388

French Scott

Trans. from D56

Cher 10388

Department of the Interior,
Commission to the Five Civilized Tribes,
Stilwell, I. T., July 25, 1900.

In the matter of the application of French Scott for the enrollment of himself and children as Cherokee citizens, being sworn and examined by Commissioner Needles his testimony as follows:

- Q What is your name? A French Scott.
Q What is your age? A Thirty-three.
Q What is your post-office address? A Stilwell.
Q Have you been recognized by the Tribal authorities of the Cherokee Nation as a citizen? A Yes sir.
Q Have you ever been enrolled by the Tribal authorities? A Yes sir.
Q How long have you lived in the Cherokee nation? A I was born and raised here.
Q Have you lived here ever since? A Yes sir.
Q What is the name of your father? A Liver Scott.
Q Is he living? A No sir.
Q Is his name upon any of the rolls of the Cherokee nation? A Yes sir.
Q What is the name of your mother? A Polly.
Q Is she living? A Yes sir.
Q Applicant: On the roll of 1880 my name is Columbus Scott.
Q What is your name now; what do they call you? A French Scott.
Note: 1880 roll, page 396, #1319, Columbus Scott. 1896 roll, page 397, #1567, French Scott, Flint District. 1894 roll, page 385, #1589, French Scott, Flint District.
Q Are you married? A Yes sir.
Q Under what law were you married? A United States.
Q Is your wife a white woman? A Yes sir.
Q Have you a marriage license? A No sir.
Q Where were you living at the time of your marriage? A I was married in North Carolina.
Q What was your wife's name before she was married? A Gerrie Sharp.
Q Is she now living? A Yes sir, she is right here.
Q What is the name of her father? A James H. Sharps.
Q He was a white man? A Yes sir.
Q What is the name of her mother? A Polly.
Q When were you married? A In 1896.
Q Have you any children? A I have two.
Q What are the names of your children? A Joseph, three years old; Agnes, seven months old.
Q Have you any certificates of birth as to them? A No sir.
Q Have you always resided in the Cherokee Nation? A I staid five years in North Carolina, I went there in 1895.
Q And then resided there until when? A 1900.
Q You was living in North Carolina in 1898? A Yes sir.
Q Did you vote down there? A No sir.
Q Your residence was in North Carolina until you returned here in 1900? A Yes sir.

Examined by Cherokee Representative Hastings:

- Q Didn't you leave here before 1895? A No sir.
Q You was the one that was indicted down here in Wagonah charged with killing somebody? A Yes sir.
Q How long have you been back here? A I returned the 20th of last May.

Com'r Needles: The name of French Scott being found upon the roll of 1880, and also upon the roll of 1896, and upon the roll of 1894, according to the roll of 1880.

French Scott et al vs

dictated in the testimony, and it appearing from the testimony that he removed from the nation in 1897 and resided in the State of North Carolina and remained there until 1900, having been married there in 1896, where his two children for which he claims citizenship were born, the said French Scott not being an actual resident of the Cherokee nation, Indian Territory, on the 28th day of June 1905, final judgment as to his case is suspended, and his name will be placed upon a doubtful card, and his two children, Joseph and three years old, and Egnaw, aged seven months, judgment as to their citizenship will also be suspended, and their names will be placed upon a doubtful card. In addition to the testimony herein given the said French Scott must produce and present to the Commission certified copy of his marriage license, and certificate of marriage, and also proper proofs of the birth of the two children herein named, their names not appearing upon any of the rolls of the Cherokee nation, they having been born since the roll of 1896 was completed.

ADJ. GEN. 1906
JULY 11 1906
TO THE COMMISSIONER
OF THE CHEROKEE NATION

M. D. Egan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above are true and correct and complete transcript of his stenographic notes in this case.

Subscribed and sworn to before me this 25th day of July 1906


Commissioner

D 376

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 25 1900

[Handwritten signature]

CHEROKEES BY BLOOD AND ADOPTION.

Date JUL 25 1900 1900.

Name *Wm. H. Scott*

District *1st* Year *1880* Page *396* No. *1319*

Citizen by blood *yes* Mother's citizenship *Cherokee*

Intermarried citizen *no*

Married under what law *Q. 2* Date of marriage *1896*

License *no* Certificate *no*

Wife's name *no*

District *no* Year *no* Page *no* No. *no*

Citizen by blood *no* Mother's citizenship *no*

Intermarried citizen *no*

Married under what law *no* Date of marriage *no*

License *no* Certificate *no*

Names of Children:

Names of Children	Dist.	Year	Page	No.	Age
<i>Wm. H. Scott</i>					<i>3</i>
<i>Wm. H. Scott</i>					<i>7</i>

1. Copy 1880 Roll as to numbers - Scott.
2. Evidence of marriage to be supplied.
3. Affidavits of birth to be supplied.

Waskage, Indian Territory, July 24, 1902.

In the matter of the application of }
French Scott for the enrollment of }
himself and children Joseph Scott }
and Susan Scott as citizens by blood }
of the Cherokee Nation.

N O T I C E.

To French Scott,

Stilwell, Indian Territory,

You are hereby notified to furnish the commission
to the Five Civilized Tribes, within fifteen days from date hereof,
either your original marriage license and certificate or a certified
copy thereof.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY

COMMISSIONER IN CHARGE.

Register,

Supl/-C.D.#36.

Department of the Interior,
Commission to the five civilized tribes,
Muskegee, I. T., February 17, 1908.

SUPPLEMENTAL in the matter of the enrollment of FRENCH SCOTT,
ET AL., as citizens of the Cherokee Nation:

Commission: Applicant was notified by registered letter January 31, 1908, that his case would be taken up for final consideration by the Commission on the 17th day of February, 1908, and that he would on said date be given an opportunity to appear before the Commission and make offer any additional testimony affecting his case. He was further requested to supply the Commission with proof of his marriage to his wife, Carrie; also affidavits as to the birth of his two children, Joseph Agnew. The applicant has been called three or times and fails to respond either in person or by attorney and the case is closed.



Commissioner.

J.O.R.

2473
R

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

In the matter of the application for the enrollment of French, Joseph and Egnaw Scott, as citizens by blood of the Cherokee Nation.

DECISION.

—00—

The record in this case shows that on July 25, 1900, French Scott appeared before the Commission at Stilwell, Indian Territory, and made personal application for the enrollment of himself and his two minor children, Joseph and Egnaw Scott, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 17, 1902.

The evidence shows that the said French Scott is a Cherokee by blood. He is identified on the 1800 authenticated tribal roll of the Cherokee Nation, and the 1896 Census roll of said Nation. The said French Scott states that he was married in 1896 to Polly Sharp, and that the two children, Joseph and Egnaw Scott, are the issue of that marriage. They are identified by affidavits of birth on file with the Commission.

The evidence further shows that the said French Scott was born in the Cherokee Nation and resided therein until 1898; that he went to the State of North Carolina in 1898, and did not return to the Cherokee Nation or Indian Territory, until May 20, 1900. It is considered that the residence of the two minor children, Joseph and Egnaw Scott, has been that of their father since their birth.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of French Scott, Joseph Scott, and Egnaw Scott as citizens by blood of the Cherokee Nation, should be denied, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Handwritten signature]
Special Agent
[Handwritten signature]
Commissioner

Dated at Muskogee, Indian Territory,

this NOV 20 1902

[Handwritten signature]
Commissioner

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

In the matter of the application of French Scott for the enrollment of himself and his minor children, Joseph and Egnew Scott, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on July 25, 1900, French Scott appeared before the Commission at Stilwell, Indian Territory, and made application for the enrollment of himself and his minor children, Joseph and Egnew Scott, as citizens by blood of the Cherokee Nation. The record further shows that on November 20, 1902, the Commission rendered its decision in the matter of said application and forwarded the same to the Department for approval; that the Department did not approve said decision, but on May 19, 1903, remanded the case to the Commission for further proceedings and readjudication; and that on July 24, 1903, further proceedings in the matter of said application were had at Tahlequah, Indian Territory.


The evidence shows that the said French Scott is a Cherokee by blood; that he is identified on the 1880 authenticated Cherokee roll, on the 1894 Cherokee strip payment roll and on the 1896 Cherokee census roll; that the said Joseph and Egnew Scott are his children, born since 1896, and are duly identified by birth affidavits made a part of the record herein.

The evidence further shows that the said French Scott resided in the Cherokee Nation all his life up to 1889, at which time he was sent to the penitentiary; that since 1889, he has at various times resided temporarily beyond the limits of the Cherokee Nation, but his home has always been in said Nation. During his absence he has always maintained ownership of live stock in the Cherokee Nation and has also maintained possession and control of a farm in said Nation. The residence of the said minor children is considered to have been in the Cherokee Nation since their birth.

-2-

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargan, et al. (I. T. D. 2766-1903), that French Scott, Joseph Scott and Agnes Scott should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 25, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES:



CHAIRMAN.



COMMISSIONER.

C. R. Henderson

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

OCT 3 1903

Chas. 10388

IN RE
THE DEATH OF

Trinch Scott

A CITIZEN OF THE

Cherokee

Nation

[Signature]

Approved

JUN 28 1907

190

[Signature]

Commissioner

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

FILED

JUN 28 1907

[Signature]

Department of the Interior, COMMISSIONER TO THE FIVE-CIVILIZED TRIBES.

In the matter of the death of French Scott
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near
Stilwell Ind. Ter., and died on the 26 day of

December 1906
(Here insert name of post office)

AFFIDAVIT OF RELATIVE

Indian Territory
Northern District

I, Carrie Scott, on oath state that I am 28
years of age and a citizen, by _____ of the United States Nation;

that my postoffice address is Stilwell Ind. Ter.; that I am

wife of French Scott
(State relationship: as the father, an uncle, a cousin, etc.) (Here insert name of deceased)

who was a citizen, by blood of the Cherokee Nation

and that said French Scott died on the 26 day of

December 1906
WITNESSES TO MARK:

Carrie Scott

(Must Be Two Witnesses)

Subscribed and sworn to before me this 25 day of June 1907

My Com. Exp., Sept 2, 1908

William O. Drew
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

Indian Territory
Northern District

I, Jesse D. Thompson, on oath state that I am 37
years of age, and a citizen by blood of the Cherokee Nation;

that my postoffice address is Stilwell Ind. Ter.;

that I was personally acquainted with French Scott
(Here insert name of deceased)

who was a citizen, by blood of the Cherokee Nation;

and that said French Scott died on the 26 day of

December 1906
WITNESSES TO MARK:

Jesse D. Thompson

(Must Be Two Witnesses)

Subscribed and sworn to before me this 25 day of June 1907

My Com. Exp., Sept 27 1908

William O. Drew
Notary Public.

P

256

COMM

FILED
JAN 31 1902

ASTING CHANMAI

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRIDGEMAN.

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

ALISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31

1902

Mr. French Scott,
Stilwell, Indian Territory.

Sir:

You are hereby notified that the application of yourself, and your two minor children for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission proof of your marriage to Carrie Sharp, also affidavits as to the birth of Joseph Scott and Egnaw Scott. There is enclosed you herewith two blank affidavits of birth for these two children.

Cherokee 1-36
Register
Encl. 2 b.c.

Yours truly,

Acting Chairman.

Cherokee D 56

Muskogee, Indian Territory, March 13, 1902.

Mr. French Scott,

Stillwell, Indian Territory.

Dear Sir:

You were notified that the application for the enrollment of yourself and your two minor children as citizens of the Cherokee Nation would be taken up for final consideration by this Commission on the 17th day of February, 1902, and you were requested to supply proof of your marriage to Carrie Sharp, also affidavits as to the birth of your children Joseph Scott and Egnew Scott, blank affidavits having been sent you for that purpose. You received this letter, as appears from the registry return receipt, but you fail to appear before this Commission or to supply the evidence desired.

You are now notified that unless you can furnish proof of your marriage to Carrie Sharp and affidavits as to the birth of your said children on or before the 28th day of March, 1902, this Commission will find it necessary to deny your application for such children.

Yours truly,

Commissioner in Charge.

In answering refer to
Cherokee D-56

Muskogee, Indian Territory, March 25, 1902.

Mrs. Beatt French, *Scott*
Stilwell, Indian Territory,

Dear Madam:-

The Commission is in receipt of your letter of March 21, enclosing birth affidavits as to your children, Joseph Scott and Egnew Scott; also enclosing certificate from the Register of deeds of Graham County, North Carolina, relative to your marriage to Garris Sharp.

The affidavits of birth as to your children have been filed. The certificate as to your marriage is returned herewith and you are requested to procure from the Register of deeds of Graham County, North Carolina, a certified copy of your marriage license and certificate as it appears of record in that County. Please give this matter your very earliest attention.

The Commission has also noted what you say in the latter part of your letter with reference to certain full blood Cherokees refusing to enroll.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 6, 1908.

Mr. French Scott,
 Stillwell, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of April 1, stating that you have written to the Register of Deeds of Graham County, North Carolina, for a certified copy of your marriage license and certificate and that as soon as you receive same, it will be forwarded to the Commission. Your letter has been duly noted and filed.

Yours truly,

Commissioner in Charge.

Cher. 2-92.

Muskogee, Indian Territory, June 17, 1902.

Frank Scott,

Stilwell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you state that you are unable to furnish the Commission with your marriage license and certificate.

In reply you are advised that it appears from the testimony in this case that you were married in accordance with the laws of the United States, and the Commission suggests that you communicate with the Clerk of the Court who issued said license authorizing your marriage and request him to furnish you with a certified copy of the marriage record. If it is impossible for you to procure a certified copy you are requested to furnish the Commission with an affidavit from the minister who performed the ceremony of marriage in accordance with said license.

Please give this matter your immediate attention.

Yours truly,

Commissioner in Charge.

Register.

COMMISSION TO FIVE TRIBES.

12331

Received

AUG 1 1902

AUG 4 1902

Scott French

Stowell, S.C.

July 31 1902

Says he can not get
marriage certificate

File

Shilwell and Jerry

July 31st 1902

I have the receipt of your letter
and it require me to furnish
you my original Marriage License
and certificate or a certified
copy - so it is impossible for me
to furnish you a sworn statement
I have gone to all
places and getting my License
or a certified copy. For I have
wrote letters trying to get
them, and they want me to
answer the letters, so it is not
what to do. I am a hard
Langshourning Man, and
I have no one to defend myself
with in this case. so you all
do as you wish to

you all have over powered me,
 as far as me and my two sons
 as concern my wife will take
 an oath at any day, that they
 are my lawful children, and also
 my mother. My sister will take
 an oath that I am her oldest son.
 of course I was gone 11 years -
 But I was in and out all the while
 But I had a cause of being -
 But I did not take any thing with
 me, only what I had on my
 back. Left \$1000, which
 I have some probability now, stock
 and my part of 1114. This estate.
 But do not let you take my
 statements, you can write to the
 best citizens my blood
 Stillwell will send you, get their
 statements, and surround with mine.

Yours truly

French Scott
 Stillwell St.

Indian Affairs Division
Department of the Interior
FEB 11 1908
Lakota

Dear Sir:

There is here enclosed a copy of the decision of the Commission on your application for citizenship. The Commission has decided in favor of your citizenship and you are now a citizen of the United States. A copy of the Commission's decision, dated July 10, 1907, respecting your said application.

The decision, with the papers of correspondence and in the case, has been transmitted to the Secretary of the Interior for his review and decision.

Division of Indian Affairs
U. S. DEPARTMENT OF THE INTERIOR
Washington, D. C.

COPY

Cherokee D-44

Stilwell, Indian Territory, November 24, 1908.

Mr. French Scott,
Stilwell, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, Joseph and Eugene Scott, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 20, 1908, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Thos. J. ...

Acting Chairman

Enc. 2-107,
Register.

Department of the Interior,
RECEIVED
FEB 11 1903
Eng. No. 2 of P.M. 4429
Indian Territory Division.

copy

Cherokee D-56.

Muskogee, Indian Territory, November 24, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of French Scott for the enrollment of himself and his two minor children, Joseph and Egnew Scott, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. W. [Signature]
Acting Chairman.

Enc. H-108.

70811

Indian

Incl. N.

21

12

The Honorable

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

November 24, 1908.

SUBJECT: Transmitting records in matter of application for enrollment of French, Joseph and Ignace Scott as Cherokee citizens.

Department of the Interior,
RECEIVED
FEB 11 1909
Enc. No. 1 of No. 1420
Indian Territory Division.

No. of inclosures

1.

Charles D. ...

RECEIVED NOV 24 1908

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of French, Joseph and Ignace Scott for the enrollment of Kimsell and his two minor children as Cherokee citizens by blood of the Cherokee Nation, Indian Territory, the Commission's decision, dated November 30, 1908, rejecting said application.

Respectfully,

Acting Chairman.

① R

COMMISSIONERS:
HENRY L. DAWES,
JAMES BIXBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-56.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

November 24, 1902.

as Cherokee of French
offspring Joseph and Egnaw Scott
of child of John for enrollment
purpose of record in matter.

Indian Territory, November 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of French Scott for the enrollment of himself and his two minor children, Joseph and Egnaw Scott, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc. H-109.

COPY.

Cherokee Dept.

Muskogee, Indian Territory, November 24, 1908.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1908, rejecting the application of French Scott for the enrollment of himself and his two minor children, Joseph and Egnew Scott, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

John B. Jones
Acting Chairman.

Enc. N-108.

COPI.

Cherokee D-54.

Wuskogee, Indian Territory, November 24, 1902.

Mr. French Scott,
Stilwell, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, Joseph and Egnew Scott, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 20, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamm Cobby

Acting Chairman.

Enc. H-107.
Register.

D.C. No. 15260-1903. COPY.

Refer in reply to the following:
Land.
70811-1901.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Feb'y. 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated November 24, 1902, forwarding, for the Department's consideration, the record relative to the application of French Seott, for the enrollment of himself and his two minor children, Joseph and Egnew Seott, as citizens by blood of the Cherokee Nation.

November 20, 1902, the Commission held that the applicants were not entitled to enrollment as citizens of the Cherokee Nation.

The record in this case shows that French Seott is a Cherokee by blood; that his name appears on the 1830 authenticated tribal roll; on the strip roll of 1894, and also on the 1896 Census roll. French Seott was married in 1894 to Polly Sharp, and the two minor children above named are the issue of that marriage. They are properly identified by birth certificates.

The record shows that French Seott was born in the

went to the State of North Carolina, and that he did not return to the Cherokee Nation until May 20, 1900. The record also shows that the applicant was indicted in the Sequoyah District "charged with having killed somebody," and this appears to have caused him to apparently temporarily remove from the Cherokee Nation.

There is nothing in the record which shows that the applicant became a citizen of the State of North Carolina, or that he removed from the Cherokee Nation, with its effects, intending to become a citizen of that or any other State.

From the record before the office it is thought that the applicants are entitled to enrollment, and it is therefore respectfully recommended that the decision of the Commission adverse to them be not approved, and that the Commission be directed to enroll them as citizens by blood of the Cherokee Nation.

In connection herewith attention is respectfully invited to Department letter of January 24, 1903, (I. T. D. 2032), in the Milan C. Smith case.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

D.C.No.18260-1903.

J.P.

DEPARTMENT OF THE INTERIOR.

FILE

I.T.D. 1480-1903. WASHINGTON. May 19, 1903.

L.R.S.

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

Gentlemen:

February 10, 1903, the Acting Commissioner of Indian Affairs forwarded the case involving the application of French Scott for the enrollment of himself and two children as citizens by blood of the Cherokee Nation.

It appears that French Scott was born in the Cherokee Nation and resided there until 1898; that he went to the State of North Carolina in 1895, and did not return to the Cherokee Nation or Indian Territory until 1900.

Referring to paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 496), you rejected the application November 20, 1902.

The Acting Commissioner says that there is nothing in the record which shows that the applicant became a citizen of North Carolina, or that he removed to North Carolina with his effects, intending to become a citizen of that or any other State, and he recommends that you be directed to enroll the applicants as citizens of the Cherokee Nation.

The testimony was taken and your decision was rendered under a different interpretation of paragraph 9 of section 21 of the act of June 28, 1898, from that expressed

-2-

in the decision of the Department in the case of Clement G. Clarke, of March 17, 1903, and the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The case is therefore remanded in order that further testimony may be taken in the light of said opinion and decision, and that there may be a readjudication of the case by you.

The testimony and papers attached thereto are herewith inclosed, together with a copy of the Acting Commissioner's letter.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

Cherokee D-86

Tahlequah, Indian Territory, July 6, 1903.

French Scott,

Stilwell, Indian Territory.

Dear Sir:

You are hereby notified that, on May 19, 1903, the Secretary of the Interior reopened, for the taking of additional testimony, your application for the enrollment of yourself and children as citizens by blood of the Cherokee Nation. Additional testimony is particularly required as to residence.

You are hereby notified that any further testimony you may have to introduce in this case can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 4, 1903. When you appear, please present this letter.

Respectfully,

KPH

Cherokee D-56

Tahlequah, Indian Territory, July 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on May 19, 1903, the Secretary of the Interior reopened, for the taking of additional testimony, the application of French Scott for the enrollment of himself and children as citizens by blood of the Cherokee Nation, Cherokee D-56. Additional testimony is particularly required as to the residence of the applicants.

The principal applicant has this day been notified that any further testimony he may have to present in this case can be introduced before the Cherokee Land Office at Tahlequah, on or before August 4, 1903, and on that day you can, if you desire, appear and introduce additional testimony on behalf of the Cherokee Nation.

Respectfully,

COPY.

Cherokee D-56.

Muskogee, Indian Territory, October 5, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 3, 1903, granting the application of French Scott for the enrollment of himself and his two minor children, Joseph and Rgnaw Scott, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-21.

Chairman

Cherokee Freedmen
D-56.

Muskogee, Indian Territory, October 24, 1903.

French Scott,
Stilwell, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, Joseph and Egnew Scott, as Cherokee freedmen, together with a copy of the Commission's decision, dated October 3, 1903, granting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. H-3.

Register.

Cherokee Freedmen
D-86.

Muskogee, Indian Territory, October 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of May 19, 1903 (I.T.D. 1480-1903), there is herewith transmitted the record of proceedings had in the matter of the application of French Scott for the enrollment of himself and his two minor children, Joseph and Agnes Scott, as Cherokee freedmen, together with a copy of the Commission's decision, dated October 3, 1903, granting said application.

Respectfully,

J. B. Neff
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-6.

Refer in reply to
the following:
LAND.
69539/1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Feb. 18, 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 October 24, 1903, transmitting the record relative to the application of French Scott, for the enrollment of himself and his children Joseph and Egnew Scott, as Cherokees by blood.

The Commission first decided that this applicant was not entitled to enrollment and the records in the case were returned to the Commission to the Five Civilized Tribes with Department letter of May 19, 1903, (I.T.D. 1420). October 3, 1903, the Commission, following the decision of the Department in the Yeargain case, held that the applicants are entitled to enrollment as citizens by blood of the Cherokee Nation.

The record in the case shows that French Scott is a Cherokee by blood; that his name appears on the 1880 roll, the 1894 scrip payment roll and the 1896 census roll. The two children were born since 1896 and are properly identified by birth affidavits.

French Scott lived in the Cherokee Nation all his life up to 1869, when he was sent to the penitentiary. Since 1869, the principal

-2-

pal applicant has temporarily resided at points beyond the Cherokee Nation, but the record shows that he has always claimed the Cherokee Nation as his home and that during his absence he has owned personal property in the Cherokee Nation and has had possession of a farm therein.

From the record it appears to this office that the decision of the Commission of October 3, 1903, is correct, and its approval is recommended.

Very respectfully,

GAW-H

Acting Commissioner.

D C 7049-1904
I.T.D. 1462-1904.

(COPY)
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
PHE

L.R.S.

February 29, 1904.

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

Gentlemen:

October 24, 1903, you submitted the papers in the matter of the application of French Scott, for the enrollment of himself and minor children, Joseph and Egnew Scott, as citizens of the Cherokee Nation. In your decision of October 3, 1903, you stated that the parties applied as citizens by blood. In your letter of transmittal it is stated that they applied as Cherokee freedmen, and the case is styled--Cherokee Freedmen D 56.

It appears that the principal applicant is a Cherokee by blood. He is identified on the 1860 authenticated Cherokee roll, on the 1894 Cherokee strip payment roll, and the 1896 Cherokee census roll. Joseph and Egnew Scott were born since 1896.

It is shown that the principal applicant resided in the Cherokee Nation from the time of his birth, to 1899; that since that time he has at various times resided temporarily beyond the limits of the Cherokee Nation, but his home has always been in the Nation. During his absence he has maintained ownership of live stock in the nation, and has also maintained possession and control of a farm there. He has continuously resided with his family in the nation since 1900.

You found in your decision that the applicants should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the act of June 28, 1898 (30 Stat., 495).

The Acting Commissioner of Indian Affairs, transmitting the case February 18, 1904, recommends the approval of your decision. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.

Cherokee 2 86

Muskogee, Indian Territory, March 16, 1904.

**W. V. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.**

Dear Sir:

You are hereby advised that the Commission's decision dated October 3, 1903, granting the application of Frank Scott for the enrollment of himself and his two minor children, Joseph and Elnor Scott, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 29, 1904.

Respectfully,

Commissioner in Charge.

Shoshone 2 56

Manhoga, Indian Territory, March 10, 1904.

Frank Scott,

Stilsell, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated October 3, 1903, granting your application for the enrollment of yourself and your two minor children, Joseph and Egan Scott, as citizens by blood of the Shoshone Nation, was affirmed by the Secretary of the Interior on February 29, 1904.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

388

WASHINGTON,

July 9, 1918.

I, E. B. Meritt,

Assistant, Commissioner

of Indian Affairs, do hereby certify that the paper hereto attached
is a true copy of the original as the same
appears on file in this Office.



IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed, on the day and year first
above written.

E. B. Meritt
Assistant Commissioner

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

IN RE Application for Enrollment, as a citizen of the _____ Nation,
of Joseph Scott, born on the 21st day of April, 1897.
Name of Father: French Scott, a citizen of the _____ Nation.
Name of Mother: Carrie Scott, a citizen of the _____ Nation.
Post-office: Billwell, D.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
District of _____

I, Carrie Scott, do hereby state that I am 27
years of age and a citizen, by _____ of the U.S.
that I am the lawful wife of French Scott, who is a citizen, by
blood of the _____ Nation; that a male child was
born to me on the 21st day of April, 1897; that said child has been
named Joseph Scott and is now living.

Subscribed to and sworn to before me this _____ day of _____, 1904.

Carrie Scott

Subscribed and sworn to before me this 25th day of July, 1904.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
District of _____

I, Caroline Campbell, Midwife, do hereby state that I
attended on Mrs. Carrie Scott, wife of French Scott,
on the 21st day of April, 1897; that there was born to her
one male child; that said child is now living and is said to have been
named Joseph Scott.

Subscribed to and sworn to before me this _____ day of _____, 1904.

Caroline Campbell

Subscribed and sworn to before me this 3rd day of August, 1904.

W. H. [Signature]

IN RE

Application for Enrollment of

INFANT CHILD

Joseph Scott.

as a citizen of the

Cherokee Nation.

Approved Mar 24, 1902

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Mar. 24, 1902.

Tams Sixby.
Acting Chairman

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

3612

WASHINGTON, July 9, 1918

I, E. B. Meritt, Assistant, Commissioner

of Indian Affairs, do hereby certify that the paper hereto attached

is a true copy of the original as the same

appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed, on the day and year first
above written.



E. B. Meritt
Assistant Commissioner

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

Application for Enrollment, as a citizen of the Nation.
I, Carrie Scott, born on the 20th day of December 1899.
of the Nation of French Scott, a citizen of the Nation.
of the State of Carrie Scott, a citizen of the U.S. Nation.
Post-office, Blairwell, D.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
I solemnly swear.
District.

Carrie Scott, on oath state that I am 22
of the U.S. Nation.
of French Scott, who is a citizen, by
Nation; that a male child was
born on the 20th day of December 1899; that said child has been
Carrie Scott, and is now living.
Carrie Scott

[Signature] D.D.
COMMISSIONER

AFFIDAVIT OF PHYSICIAN, OR MIDWIFE.

[Signature], on oath state that I
of French Scott,
1899; that there was born to her on
that said child is now living and would be born
M. T. Marshall, M.D.

IN RE

Application for Enrollment of
INFANT CHILD

Egnew Scott.
as a citizen of the
Cherokee Nation

Approved Mar. 24, 1902.

T. B. Needles.
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D

Mar. 24, 1902.

Tams Bixby
Acting Chairman.

Cher 10389

Cicero Markham

Trans. from R709

Cher 10389

PROPERTY OF THE
ASSIGN TO THE FIVE COUNTRIES

FILED

DEC 16 1954

[Handwritten signature]
ACTING CHIEF

[Faint handwritten notes]

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 13, 1900.

In the matter of the application of Carter D. Markham for the enrollment of Cicero, Allen and Piercy Markham as Cherokee citizens; he being sworn and examined by Commissioner S. B. Breckinridge, testified as follows:

- Q Give me your full name. A Carter D. Markham.
Q How old are you? A 55.
Q What is your postoffice? A Tahlequah.
Q In what district do you live? A Tahlequah.
Q You want to enroll three orphan children at this time? A Yes sir.
Q What are their names — all of one family are they? A Yes sir.
Q What are their names? A Cicero Markham.
Q How old is that child? A 30.
Q Next child? A Allen.
Q How old is he? A 17.
Q Next child? A Piercy, aged 15.
Q Are these children all living at this time? A Yes sir; one is in California. I haven't heard from him for two or three months.
Q Which one is that? A Cicero; we always call him Dook.
Q Where were these children born? A In Canadian district.
Q All born in the Cherokee Nation? A Yes sir.
Q Give me the name of their father. A John W. Markham.
Q When did he die? A He died about nine years ago.
Q He was a Cherokee by blood? A Yes sir.
Q Where did he die? A He died in California.
Q Was he born in the Cherokee Nation? A Yes sir.
Q How long did he live in the Cherokee Nation? A He lived here all the time except he went there for his health and died there.
Q What time did he go to California? A He went in the spring and died in the summer. He wasn't there a year when he died.
Q What year did he go there? A About in '91. Probably, I don't remember exactly.
Q And died in the summer of '91? A Yes sir.
Q And the two younger children have come back to the Cherokee Nation? A They all came back except one boy.
Q Did Cicero ever come back? A No sir, he staid out there. We had an uncle there that brought the father's body back, and they all came back with him except Cicero, and he is living there with his uncle.
Q The two children, Allen and Piercy are living in the Cherokee Nation? A Yes sir.
Q Give me the name of the mother of these children. A Martha Riley.
Q She was a Markham in 1880? A Yes sir.
Q When did she die? A 12 years ago.
Q Was she a Cherokee by blood? A Yes sir.
Q Did she live in the Cherokee Nation all her life except when she went to California with her husband? A No sir, she didn't go. He married a second wife after she died that went with him.
Q These children are all named Markham? A Yes sir.
Q And Martha lived here all her life? A Yes sir.
1889 roll: page 146, #2034, John Markham, Cooweescoowee.
1880 roll: page 146, #2035, Martha Markham, Cooweescoowee.
1896 roll: page 1007, #815, Cicero Markham, Saline district.
1896 roll: page 1007, #816, Allen Markham, Saline district.
1896 roll: page 1007, #817, Pierce

Commissioner Breckinridge—

The applicant applies for the enrollment of three orphan children, the children of a deceased brother of his. These children are minors, are too young to be upon the roll of 1880, but their deceased father and mother are identified on that roll as native Cherokees. They have lived in the Cherokee Nation all their lives, except their father went to California in the spring of 1881 for his health, and died in the following summer.

2- C.D.N.

The status of three children, Charles, is said to have been as of this date with an uncle in California. It is not known whether he is alive at the present time, but he was alive on March 22, 1945 when the applicant heard from him. He will not be listed as a child as a Charles by birth to a doubt as to whether he is alive at the time of emancipation. The two younger children are known to be now living, and present in the Chicago Nation. They are identified on the roll of loss, and these two children, Allan and Victor, will now be listed as children as Charles by birth.

F. C. [illegible], being duly sworn, deposes that as stated in the declaration in the five children above, he prepared the testimony and proceedings in the above case, and that he is a full, true and correct statement of the facts as stated in said case.

Subscribed and sworn to before me this 1st day of [illegible] 1945.

INDICES BY BLOOD AND ADOPTION

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

DEC 13 1900
FBI 13 11

U.S. GOVERNMENT

CHEROKEES BY BLOOD AND ADOPTION.

DEC 18 1900

Date 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

<i>Gene Markham</i>	Dist. <i>Saline</i>	Year <i>1896</i>	Page <i>107</i>	No. <i>865</i>	Age <i>30</i>
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age

Stephen of Carter D. Markham
Orphan child of John W and Martha
Markham

Supl.-C.D.#956.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 3, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
CICERO MARKHAM as a citizen of the ~~Cherokee Nation~~ Applicant:

The applicant's guardian, Carter D. Markham, was notified by registered letter February 25, 1902, that the application of Cicero Markham, his ward, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 13th day of March, 1902. The applicant this day, to-wit: the 3d day of March, 1902, appears by his guardian, Carter D. Markham, and by agreement of the representative of the Cherokee Nation present this case is taken up for final consideration.

Mr. W. W. Hastings, Cherokee representative, present.

CARTER D. MARKHAM, being duly sworn, testified as follows on part of applicants.

COMMISSION:

Q What is your name? A Carter D. Markham.

Q How old are you, Mr. Markham? A Be 57 in May.

Q Your post office address? A Tahlequah.

Q You are the guardian of Cicero Markham who is an applicant for enrollment before the Commission as a citizen of the Cherokee Nation? A Yes, sir.

Is there any statement that you desire to make relative to this application? A Why I don't know, I have made about all the statement; I thought maybe Mr. Hastings wanted to ask me questions.

The boy has been in California about 11 years as near as I can get it. His father died; he went there with his father, his father went there on account of his health and took his whole family, and his father died there, and the balance of the family come back, but I have an Aunt living there, this boy's grand-aunt, and they kept him there, and he is there yet.

Q You submit the case to the Commission for final consideration? A Yes, sir.

Q Have you heard from this applicant, Cicero Markham, any time recently? A Yes, sir, I had a letter from him dated in December.

Q Was the letter signed by him? A Yes, sir.

Q You knew then of your own knowledge that the boy is living at this time? A Yes, sir; I have a letter from him; I sent him \$100 and I have a receipt from him.

Commission: The guardian of the applicant and the representative of the Cherokee Nation present submit the case and the same is ordered closed and reported to the Commission for the final decision based upon the evidence now of record.

I, J. O. Hesson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Hesson Stenographer.

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

Jac.

In the matter of the application of Cicero Markham for enrollment as a citizen by blood of the Cherokee Nation:

DECISION..

The record in this case shows that on December 13, 1900, Carter D. Markham appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment, among others, of Cicero Markham. Further proceedings in the matter of said application were had March 3, 1902, at Muskogee, Indian Territory. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that Cicero Markham was born in the Cherokee Nation about twenty years ago; that he is the son of John Markham and Martha Markham, who are both identified upon the 1880 authenticated roll of the Cherokee Nation as native Cherokees. The said Cicero Markham is identified upon the 1896 census roll of the Cherokee Nation.

The evidence further shows that said Cicero Markham moved to the State of California in the year 1891, where he was residing on June 28, 1898, and at the date of this application.

Paragraph 9, Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Cicero Markham as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
 Acting Chairman.

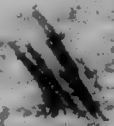
[Signature]
 Commissioner.

[Signature]
 Commissioner.

Muskogee, Indian Territory,
 this AUG 15 1902

John Warkum, being a clerk, testified as follows:

FILED
MAR 13 1905
COMMISSION TO FIVE TRIBES



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, March 13, 1905.

In the matter of the application of John Markham, Cherokee Card No. 7086, Approved Roll No. 10896, for the selection of lands in allotment under power of attorney for his brother, Cicero Markham, Cherokee Card No. 10389, Approved Roll No. 30891.

John Markham, being sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A John Markham.
Q How old are you? A 28.
Q What is your post office? A Herford, Indian Territory.
Q Was it formerly McLain, Indian Territory? A Yes sir.
Q What is the name of your father? A John W. Markham.
Q The name of your mother? A Mattie Markham.
Q What is your object in appearing at the Land Office today?
A To designate land in allotment for my brother Cicero Markham as his attorney in fact.
Q You are a full brother to Cicero Markham are you? A Yes sir.
Q You have the same father and same mother have you? A Yes sir.

Applicant offers power of attorney executed by Cicero Markham February 17, 1905, wherein he appoints John Markham his lawful attorney to make application to the Commission to the Five civilized Tribes for an allotment in the Cherokee Nation for him.

- Q State the reasons why Cicero Markham does not make personal appearance and selection? A He is in California for his health. In bad health and went there for his health.
Q Is his health in such condition that he cannot make personal appearance? A Of course he could come back but it is necessary to his health to remain there.
Q Are the lands you desire to select in allotment for your brother improved? A Yes sir, part of home place.
Q Do these lands lay west of Grand river? A Yes sir, in Canadian district.
Q Has any application been made heretofore for lands for your brother?
A No sir.
Q This is first application? A Yes sir.
Q No filing at either Vinita or Tahlequah? A No sir.

WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 13th day of March, 1905.



Notary Public.

10

10956

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 1902

[Handwritten signature]
ACTING CLERK

COMMISSIONERS:
HENRY L. DAVIS,
TAMM BIRDY,
THOMAS B. NEEDLER,
C. R. BRIDGESIDE.

ALLISON L. AVLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 25, 1902.

Mr. Carter D. Markham,

Tahlequah, Indian Territory,

Sir:-

You are hereby notified that the application of Cleore Markham

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 13 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee 2-254
Register.

Yours truly,

Commissioner, L. S. Brown

COPY

Cherokee D. 214.

Washago, Indian Territory, August 15, 1908.

V. V. Hastings, Esquire,
Attorney for the Cherokee Nation,
Washago, Indian Territory.

SIR:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1908, denying the application of Carter D. Marthan for the enrollment of his wife, Cicere Marthan, as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

James Bixby

Acting Chairman.

Enc. C. No. 28.

COPY.

Charter D 545.

Muskogee, Indian Territory, August 15, 1908.

Carter D. Nathan,
 Chicklogah, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1908, denying your application for the enrollment of your ward, Cicero Nathan, as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

Tanis Bixby

Acting Chairman.

Enc. C. No. 55.
Register.

COPY.

Muskogee, Indian Territory, August 15, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Carter D. Markham for the enrollment of his ward, Cicero Markham, as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated August 15, 1908, denying the application for the enrollment of said Cicero Markham as a citizen of the Cherokee Nation.

Very respectfully,

James Bixby

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 4.

Refer in reply to
the following:
Land
49711-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, Sept. 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 15, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Carter D. Markham for the enrollment of his ward, Cicero Markham as a citizen by blood of the Cherokee Nation.

The Commission states that the evidence shows that Cicero Markham was born in the Cherokee Nation about twenty years ago; that he was the son of John Markham and Martha Markham, whose names appear of the 1880 authenticated roll; that the name of Cicero Markham appears on the 1896 roll; and that he moved to the State of California in 1891, where he has resided since that date. Because he was not a resident of the Cherokee Nation on June 28, 1898, the Commission declined to enroll him.

The evidence shows that John W. Markham was the father of three children, Cicero, now aged 20; Allen, aged 17; and Piercy, aged 15; that the father of these children went to California in the Spring of 1891 and died there the same summer; that his body was brought back to the Cherokee Nation by relatives and that they also brought with them the two younger children; that Cicero Markham at

the date of his father's death - then about nine years of age - was kept in California with either an aunt or uncle, with whom it appears he still resides.

The office does not believe that the fact that he was taken out of the Cherokee Nation by his father when a child, and that he is still kept without that Nation by his relatives, is sufficient to deprive him of citizenship in the Cherokee Nation. He had not, at the date of his application, arrived at the age of majority, and while the record is meager and unsatisfactory on this point, it appears that he is under the control of relatives in California and is doubtless unable to return to the Cherokee Nation.

Under these circumstances it seems that it would be but right and just to place his name on the roll, and the office so recommends.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 15422-1902.

L. R. S.

I. T. D. 5520-1902.

3-5503
449

J. P.

WHR

DEPARTMENT OF THE INTERIOR.

Washington, September 15, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 15, 1902, you submitted the case involving the application of Carter D. Markham for the enrollment of his ward, Cicero Markham, as a citizen by blood of the Cherokee Nation, you on that date having rejected the application.

It appears from the examination made December 13, 1900, that Cicero Markham was twenty years of age, having been born in the Cherokee Nation; that he is the son of John W. Markham and Martha Markham, whose names appear on the 1880 authenticated roll; that Cicero's name is on the 1896 census roll of said Nation; that about 1891 his father went to California for his health, taking the applicant and two younger children; that shortly afterwards he died and his body was brought to the Cherokee Nation, and the two younger children returned to the Nation but Cicero did not, that he remained with relatives in California, and apparently was residing there at the time of the examination as he had been heard from there at a late date.

Referring to the provision of the Act of June 28, 1898 (30 Stats., 495), that -

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,-

you concluded the claimant was not entitled to enrollment.

Reporting in the matter September 4, 1902, the Acting Commissioner of Indian Affairs states that he does not believe that the fact that the party was taken out of the Cherokee Nation by his father when a child, and that he is still kept without the Nation by his relatives, is sufficient to deprive him of citizenship in the Nation; that he had not, at the date of application for enrollment, arrived at the age of majority, and while the record is meager and unsatisfactory on this point, it appears that he is under the control of relatives in California and is doubtless unable to return to the Cherokee Nation.

The Acting Commissioner recommends that you be directed to place his name upon the Cherokee roll.

From the examination of said guardian, March 3, 1902, it appears that Cicero is still in California.

The Department concludes that your decision is correct and it is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 Inclosure.

EDD

COPY.

Cherokee D 956.

Muskogee, Indian Territory, October 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting the application of Carter D. Markham for the enrollment of Cicero Markham as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

Tams Dixby.
Acting Chairman.

COPY.

Cherokee D 956.

Muskogee, Indian Territory, October 4, 1902.

Carter D. Markham,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting your application for the enrollment of Cicero Markham as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

T. A. ...
Acting Chairman.

Cherokee B-709

Tahlequah, Indian Territory, July 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission has the honor to transmit herewith communication dated July 13, 1903, signed by Cicero Markham, which is evidently intended as a motion to reopen the application of said Cicero Markham for enrollment as a citizen by blood of the Cherokee Nation, Cherokee B-709 (Cherokee B-956). This letter was enclosed to the Commission with the request that it be forwarded to the Department.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPM

Enc. N-158

Through the

Commissioner of Indian Affairs.

Cherokee R-709

Tahlequah, Indian Territory, October 3, 1903.

Commission to the Five Civilized Tribes,
(Cherokee Enrollment Division),
Muskegee, Indian Territory.

Gentlemen:

You are requested to advise this office if notice has been received at the central office of the action taken by the Department on a motion to reopen the application of Cicero Markham for enrollment as a citizen of the Cherokee Nation, Cherokee R-709, (D-956).

Such a motion was forwarded to the Department through this Commission on July 13, 1903.

I also request that this office be advised if the application of Cicero Markham is included in those which the Commission recently requested the Department to return to it for readjudication.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

D C 7573-1904

DEPARTMENT OF THE INTERIOR,

FC

I.T.D. 5520-1902.

WASHINGTON.

FHE

6170-1903.

8008- "

March 3, 1904.

L.R.S.

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

Gentlemen:

September 15, 1902, the Department affirmed your decision re-
jecting the application of Carter D. Markham for the enrollment of
his ward, Cicero Markham, as a citizen by blood of the Cherokee
Nation.

It was shown that Cicero Markham was born in the Cherokee Nation
about 1880; that his parents are identified upon the 1880 authentica-
ted roll of said Nation as native Cherokees. He is identified upon
the 1896 census roll. It also appeared that Cicero Markham moved to
the state of California in 1891, where he was residing on June 28,
1898, and at the date of his application for enrollment. You reject-
ed the application, referring to paragraph 9 of section 21 of the
act of June 28, 1898 (30 Stat., 495).

Cicero Markham had not, at the date of his application, arrived
at his majority, and it did not appear when the letter of September
15, 1902, was written, that he had returned to the Cherokee Nation.
It is shown by a communication from him of June 13, 1903, submitted

with your letter of August 10, 1903, that he returned to said Nation some time in 1903.

In view of the present interpretation placed upon said paragraph 9 of section 21 of the act of June 28, 1898, the decision of September 15, 1902, is rescinded, and your decision of August 15, 1902, is hereby reversed. You are authorized to enroll the applicant in the absence of any further objection.

His letter of June 13, 1903, was dated at Tahlequah, I. T.

This case is one of those you requested be returned to you, in your communication of September 21, 1903.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

Cherokee R-709

Tahlequah, Indian Territory, March 18, 1904.

Carter D. Markham,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 3, 1904, the Secretary of the Interior rescinded and reversed the former action of the Department affirming the decision of the Commission denying your application for the enrollment of Cicero Markham, and ordered that he be now enrolled as a citizen of the Cherokee Nation in the absence of any further objection to such enrollment.

The attorney for the Cherokee Nation has been given notice of the Department's action.

Respectfully,

HRS

RTOT

10389

PLC

Indian Territory.

Dear Sir:

Faint, mostly illegible text, possibly a letter or report, with some words like "order" and "please" visible.

108801

~~Prod~~

Cherokee B-709

Tahlequah, Indian Territory, March 18, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 8, 1904, the Secretary of the Interior rescinded and reversed the former action of the Department affirming the decision of the Commission denying the application for the enrollment of Cicero Markham, Cherokee B-709, and ordered that he be now enrolled as a citizen of the Cherokee Nation in the absence of any further objection to such enrollment.

Carter D. Markham, who made application for the enrollment of the said Cicero Markham, has this day been notified of the Department's action herein.

Respectfully,

Cher 10390

Orville E. Thornton

Trans. from R752

Cher 10390

A

R 226

\$1263

COMMISSION TO THE CIVIL SERVICE COMMISSION
FILED
OCT 10 1900

[Signature]

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

Vinita, I.T. October 4th, 1900.

IN THE MATTER OF THE APPLICATION OF ORVILLE E. THORNTON FOR THE ENROLLMENT OF HIMSELF AS A CHEROKEE CITIZEN.

The said Orville E. Ross, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name, please. A Orville E. Thornton.
Q How old are you? A Twenty-four.
Q What is your post office? A Eagle.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself.
Q Is that all? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Since February 1900.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Where were you before February, 1900, and for how long a time? A Part of the time in Iowa.
Q When were you in the Cherokee Nation before February 1900? A I came here with my father in 1880.
Q And how long did you stay here? A Two years, I think.
Q And then went out? A Yes, sir.
Q And haven't been back until last February? A No, sir.
1896 Roll, page 268, No. 4783, Orville Thornton, Cooweescoowee District.

THE COMMISSIONER: The applicant presents an official certificate of admission to citizenship showing that on the 25th of September 1882 certain persons were admitted to citizenship by the Cherokee Commission, and among them appears the name of Orville E. Thornton. This is recognized as official evidence of the facts stated.

THE applicant is identified on the roll of 1896, and he presents a certificate of admission to Cherokee citizenship as cited in the testimony, in 1882, but he left the Cherokee Nation in the year 1882 and did not return to the Cherokee Nation until February of the present year. He is, therefore, considered to come under the clause in Section 21 of the Curtis Bill, approved June 28th, 1898, prohibiting the enrollment of any person who shall not have theretofore "removed to, and in good faith settled in, the Nation in which he claims citizenship," and therefore, his application for enrollment is rejected.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October A. D. 1900.


Commissioner.

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT. 4, 1900



ACTING CHAIRMAN.

R 246

B 1260

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES. BY BLOOD AND ADOPTION.

Name 24 Orville E. Thornton Eagle Jr Date OCT 4 1900

District COOWEESCOOWEE Year 1896 Page 268 No. 4783

Citizen by blood Yes Admitted 1882 Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age

On 1896 Roll as Orville Thornton

R 226

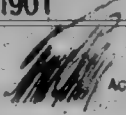
~~1226~~

1263

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

7 1901



ACTING CHAIRMAN

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

Winta 23 Oct 7 1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of

Oville E. Thurston for enrollment as
citizens of the Cherokee Nation.

No. LR 226

Phillips Smith
attys for applicant

~~27~~
2-1263

COMMITTEE REPORT

It is the duty of the Committee to report to the House of Representatives the results of its investigation into the activities of the Communist Party in the United States. The Committee has the honor to report to you the results of its investigation into the activities of the Communist Party in the United States. The Committee has the honor to report to you the results of its investigation into the activities of the Communist Party in the United States.

33

The Committee has the honor to report to you the results of its investigation into the activities of the Communist Party in the United States. The Committee has the honor to report to you the results of its investigation into the activities of the Communist Party in the United States. The Committee has the honor to report to you the results of its investigation into the activities of the Communist Party in the United States.

Committee on Un-American Activities

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 17, 1901.

In the matter of the application of Archie A. Thornton for enrollment as a Cherokee by blood (R-228.)

In the matter of the application of Orville E. Thornton for enrollment as a Cherokee by blood. (R-228)

Supplemental testimony on behalf of the applicant.

Appearances:

Mallette & Smith, attorneys for the applicant;
Cherokee Representatives present.

GEORGE W. THORNTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mallette: What is your name? A George W. Thornton.

Q Where do you live? A I live out northwest of here about 17 miles.

Q Do you know Archie A. Thornton? A Yes, sir.

Q What relation is he to you? A He is my son.

Q Do you know Orville E. Thornton? A Yes, sir.

Q What relation is he to you? A He is my son.

Q How are you a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q When were you admitted? A I was admitted in September in 1882.

Q Were these two sons whose names I have just given admitted at the same time? A Yes, sir.

Q Where were they living at that time? A Why they were in Iowa with their grandparents.

Q Did they live in this country? A In May their mother got sick and she was taken back to Iowa.

Q And the two boys were taken with her? A Yes, sir.

Q Well, about how old were they at that time, or do you remember their exact age; well I don't care about the exact age, were they small children? A Yes, they were small children, I can tell you by figuring it up; Orville was born on May 29, '76, that would make him six years old in the month that she went away.

Q And Archie A. was younger? A Yes, sir, he is about 15 months younger.

Q Now you say in 1882 their mother, on account of ill health, left here and took the boys with her? A Her mamma came down and I wasn't able to doctor her here and take care of her and her mother came down and got her.

Q Were you and your wife lawfully married? A Yes, sir.

Q Where were you married? A In Iowa.

Q You continued to reside in the Cherokee Nation after your wife and children left? A Yes, sir

Q What became of your wife? A She died before she got home.

Q She died before she got home? A Yes, sir, that is, she died before she got to where their grandparents lived.

Q What became of the two boys? A They were taken to their grandparents and kept there.

Q Where was that? A That was in Iowa, Jones County.

Q Where was your home during then? A My home was here in the Indian Territory.

Q Why didn't they come back to your home? A Well, because I didn't have any way of keeping them, I didn't have a place to take them, I had to work out for a living and had to work out for their support; when my wife left I didn't have a dollar, didn't have enough money to pay my debts, doctor's bill and one thing and another like that.

Q And you left them up to Iowa with their grandparents and supported them by sending money to them? A Yes, sir, I didn't leave them there, they stayed there, I was backwards and forwards to see

-2-
then, I think I was there four times in two years, but I stayed here and worked, I was here part of the time and part of the time in Kansas and part of the time in other places, but I made my home here; I have been here continuously since '84 right in the Nation with the exception of a week or two; before that time I was gone.

Q Justice in this certificate of admission that Emily Jane Thornton was also admitted; is she the mother of these boys? A She was the mother of these boys.

Q Now how long since they have come back to the Indian Territory, do you remember that? A Well, Orville came back a year ago last February and Archie came back a month or two before, I don't recollect just exactly the date that he did come, I can tell by going home and looking up the records.

Q Orville came back a year ago last February? A Yes, sir, to the best of my knowledge.

Q That would have been February, 1900? A Yes, sir.

Q How old was he at that time? A Well he would be about 23 years old, not quite 23 I believe; '76, he would be '84, he was born in '76, the 20th of May.

Q He would lack a little of being 24 years old then? A Yes, sir, a little of being 24.

Q Well then Archie A. came back when? A He came back a little while before the other boy, but I don't recollect just what month, but I believe it was in December.

Q That would be December, 1899? A Yes, I believe it was a few days before Christmas, but I would say positively just exactly when he did come.

Q How old was he when he came back, Archie? A Well he was born in '78 I believe, the 15th of August.

Q He was a little over 22 years old then when he came back? A Just about 18 months between their ages.

Q They have been living here since their return? A Yes, sir.

Q Did you furnish them means to come back here, or did you not?

A No, I didn't furnish them means to come back.

Cherokee Representative: Well Mr. Thornton you are on a straight card? A I don't know what card, they told me I was, I suppose so; they told me I was all right.

Commissioner: Are either of these boys married? A Yes, sir.

Q Where did they marry? A Married in Iowa.

Q Both of them? A No, they are not both married, I suppose not.

Q Well, which one is married? A This one (indicating).

Q What is his name? A Orville E. Thornton.

Q He married in the State of Iowa? A I suppose so.

Q And when he returned here he brought his wife with him? A Yes, sir.

Q Well, is the other boy married? A Not that I know of, I guess not.

ORVILLE E. THORNTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mallett: What is your name? A Orville E. Thornton.

Q Are you the Orville E. Thornton who has applied for enrollment as a Cherokee citizen? A Yes, sir.

Q How old are you? A Unknown, 23 years.

Q What were you 25? A May 20.

Q Have you ever lived in the Cherokee Nation? A Yes, sir.

Q When? A I live there now.

Q Did you ever live in the Cherokee Nation as a child? A Yes, sir.

Q Can you remember when you were here as a child? A Not very much.

Q Where did you grow up? A In Iowa.

Q How long? A I don't know.

with your grandmother? A I hadn't any means to come with.
 Q You lived and made your home with your grandparents, did you?
 A Yes, sir.
 Q When did you come back to the Indian Territory, the Cherokee Nation? A In February, 1900.
 Q How old were you at that time? A 28 years and 8 months, or 9.
 Q Well, did you marry in Iowa before you came? A Yes, sir.
 Q How long before you came? A Married in 1898.
 Q Why didn't you come sooner after you became 21 years of age?
 A I wasn't able to come, I hadn't the money to come with.
 Q Did you come as soon as you got the money to come with? A Yes, sir.
 Q You were about 2 years and eight months then over 21 years old when you came back? A Yes, sir.
 Q How old would you have been on July 1, 1898? A 22 years old.
Commissioner: Have you any children? A No, sir.

ARCHIE A. THORNTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Archie Augustus Thornton.
 Q Are you the Archie A. Thornton who has applied for Cherokee citizenship? A Yes, sir.
 Q Are you a brother of Orville Thornton? A Yes, sir.
 Q And son of George W. Thornton? A Yes, sir.
 Q Where were you raised? A In Iowa.
 Q Who with? A My grandparents.
 Q Are you married or single? A Single.
 Q When did you come back to the Territory? A In December, 1899.
 Q How old were you at that time? A 22 years and 4 months.
 Q That was a year and four months then after you arrived at 21 years of age? A Yes, sir.
 Q Why didn't you come sooner after you became of age? A I didn't have the means to come with.
 Q Have you come back here to make this your home? A Yes, sir.
 Q Where did your father live while you were living in Iowa with your grandparents? A Lived in the Cherokee Nation.
Commissioner: Were you ever married? A No, sir.
 Q Ever vote in the State of Iowa? A No, sir.
 Q Never did vote in Iowa? A No, sir.
 Q Were you ever in the Cherokee Nation from the time you went out until you returned the last time? A No, sir.
 Mr. Mellette: Why didn't you, what was your grandmother's control over you during the time you lived with her and what was her advice about your coming back here, did she consent for you to come back?
 A No, sir.
 Q Did she object to it? A Yes, sir.
 Q Did she object to your brother coming too? A Yes, sir, she didn't want either one of us to come.

Mr. Mellette: The applicants desire to offer in evidence the certificate admitting the claimants to citizenship, and asks that it be copied into the record.

Commissioner: This will be done.

Mr. Mellette: (reading) "Office of Commission on Citizenship, Tahlequah, S.E., September 25, 1892. George W. Thornton and others against the Cherokee Nation; petition for citizenship No. 72. Transcript. And now on this the 25th day of September, A.D. 1892, this case coming on for final hearing, and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship that the said claimants, George W. Thornton, Orville Thornton, and Archie Augustus Thornton, are

Cherokee by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be and are hereby admitted to the full and complete enjoyment of the same within the Cherokee Nation in all respects as Native born Cherokees. Signed, Thomas Teehee, president of Commission, Alex Wolf, T. F. Thompson, Commissioner; and on the margin, September 25, 1892, and below. B. W. G. Dumas, Clerk of Commission. Then the certificate is as follows: I hereby certify that the above is a full and complete transcript of the decision and judgment of the Commission on citizenship in the above entitled case as appears of record in my office. B. W. G. Dumas, Clerk of Commission, September 25, 1892.

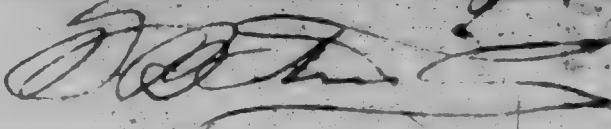
Commissioner: Anything else.

Mr. Mallitt: The applicants offer in evidence the following Act, to-wit, An Act of the Cherokee Council in relation to citizenship, as follows: (reading) "Be it enacted by the National Council that all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this Act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission; provided, that nothing in this act shall bar minors or orphans: approved December 4, 1894."

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 11th of November, 1891.



Commissioner.

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7-10-1944

to be

The Commission on the ... of ...
to the ... of ...
made October 4, 1901, will be ...
of ...
to be ...
to a ...
by the ...

[Handwritten Signature]

Commissioner.

RECEIVED
OCT 10 1901
U.S. DEPT. OF AGRICULTURE
WASHINGTON

TO THE HONORABLE SECRETARY OF THE INTERIOR

DEAR SIR

YOUR LETTER OF THE 10TH INSTANT HAS BEEN RECEIVED AND I AM PLEASSED TO LEARN THAT YOU ARE INTERESTED IN THE MATTER OF THE

LANDS IN THE STATE OF TEXAS WHICH ARE NOW BEING OFFERED FOR SALE BY THE GOVERNMENT

AND I AM SURE THAT YOU WILL BE INTERESTED IN THE FACT THAT THE GOVERNMENT HAS DECIDED TO

SELL THESE LANDS AT A REDUCED PRICE IN ORDER TO FACILITATE THE SETTLEMENT OF THE COUNTRY

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DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Washington, D. C. June 11th 1902.

In the matter of the application of Orville E. Thornton, for enrollment as a citizen of the Cherokee nation.

Cherokee D 1902.

Brief on part of the Cherokee Nation.

The applicant, Orville E. Thornton is a brother of Archie A Thornton and with the exception that he is fifteen months older than Archie A Thornton and that he was married in the State of Iowa and where his child was born the facts in his case are the same as those in the case of his brother Archie A Thornton, listed for enrollment on Cherokee Docket No. 1902.

We submit that under Section twenty-one of the Curtis bill which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship." that the applicants are not entitled to be enrolled as citizens of the Cherokee nation.

Respectfully submitted,

W W Hastings & Co
Attorneys for the Cherokee Nation.

Cherokee B 1341.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Orville E. Thornton for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 4, 1900 Orville E. Thornton appeared before the Commission at Vinita, Indian Territory and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 17, 1901 and at Muskogee, Indian Territory January 4, 1902.

The evidence shows that the applicant, Orville E. Thornton, is a Cherokee by blood; that he first came to the Cherokee Nation from the State of Iowa with his father, George W. Thornton, and his mother, Emily J. Thornton, in 1869; that on September 25, 1869 he and his parents were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof; that he is identified on the 1890 census roll.

The evidence further shows that the applicant's parents returned with him to the State of Iowa just after their admission to citizenship, as aforesaid in 1869, for a temporary absence from the Indian Territory by reason of the ill health of his mother, who died en route to the home of her parents in said State; that immediately after her death the applicant, who was a minor about six years of age, was placed by his father in the care and custody of his said grand-parents, and his father, the said George W. Thornton, returned at said time to the Indian Territory where he has resided since 1869; that the applicant remained with his grand-parents during his minority and was frequently visited by his father, who regularly contributed to his support; that he did not return to the Indian Territory until February 1880.



The evidence further shows that the applicant was twenty-two years of age on June 26, 1898 and was not a resident of the Cherokee Nation or Indian Territory at said time, but has resided in said Nation since his return thereto in February 1880.

The 9th Paragraph of Section 21 of the Act of Congress, approved June 22, 1900 (30 Stats. 493), provides as follows:

"No person shall be enrolled who has not heretofore removed to or in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Orville E. Thornton for enrollment as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


J. H. Johnston,
Sitting Chairman.

T. A. Wiedeman,
Commissioner.

Muskogee, Indian Territory,
this

JUL 10 1902

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

FEB 23 1902

[Handwritten signature]

HERBERT L. BAKER,
TAMM BERRY,
THOMAS D. GIBSON,
C. A. BENTLEY.

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

ALLISON L. GULBRUNTS,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 11,

1902

Mr. Orville H. Thornton,

Agla, Indian Territory,

Sir:-

yourself

You are hereby notified that the application of

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 25th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to Mellette & Smith,
Vinita, I.T.

Yours truly,

Cherokee B-1883
Register.

Acting Chairman.

COPY

Cherokee D 1945.

Muskogee, Indian Territory, September 4, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Orville E. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 16, 1908, rejecting said application.

Respectfully,

V. A. ...
Acting Chairman

Through the

Commissioner of Indian Affairs.

Res. O. S. A.

COPY.

Cherokee D 1884.

Muskogee, Indian Territory, September 4, 1902.

Edgar Smith,

Attorney for Greville E. Thornton,
 Vinita, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 16, 1902, rejecting the application of Greville E. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You have heretofore been furnished with a copy of the record of proceedings.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James G. Smith
 Acting Chairman.

Enc. C, No. 6.

Register.

Cherokee 2 1000.

COPY.

Muskogee, Indian Territory, September 4, 1908.

Orville H. Thornton,
Eagle, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 16, 1908, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

Your attorneys, Bellette & Smith, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Sindy
Acting Chairman.

Enc. C. No. 5.

Register.

COPY.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 16, 1902, rejecting the application of Orville E. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame Dixey
Acting Chairman.

Enc. C. No. 7.

C O P Y.

Refer in reply to
the following:
Land.
55950-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Sept. 23, 1902.

The Honorable
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 4, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Orville E. Thornton for enrollment as a citizen of the Cherokee Nation.

Applicant first came to the Cherokee Nation with his father in 1880, and on September 25, 1882, he together with his parents, was admitted to citizenship in that nation, and his name appears on the 1896 census roll. His parents returned to Iowa immediately after their admission to citizenship because of the ill-health of his mother. Orville E. Thornton, then a minor about six years of age, was kept in Iowa with his grandparents, his father returning to the Cherokee Nation where he resided continuously to the date of the application. Applicant, however, did not come to the Cherokee Nation until 1900. He was on June 28, 1898, 22 years of age.

As the applicant was twenty-two years of age on June 28, 1898 and was not a legal resident of the Cherokee

Nation, the office believes that the action of the Commission in refusing to enroll the applicant is correct, and therefore respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

WCV
D

3 inclosures.

COPY.

Cherokee B 1263.

Muskogee, Indian Territory, November 10, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Orville E. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 4, 1902.

Respectfully,

James Kirby
Acting Chairman.

COPY.

Charlene D 1988.

Muskogee, Indian Territory, November 10, 1902.

Edgar Smith,

Attorney for Orville H. Thornton,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Orville H. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 4, 1902.

Respectfully,

Faine Dixby
Acting Chairman.

COPY.

Cherokee 3 1863.

Waskaga, Indian Territory, November 10, 1902.

Orville E. Thornton,
Eagle, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 4, 1902.

Respectfully,

James Hixby
Acting Chairman.

Department of the Interior,

ITD.5871-1902.

Washington, October 4, 1902.

L. R. S.

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

Gentlemen:

With your letter of September 4, 1902, you transmitted the papers in the matter of the application of Orville E. Thornton for his enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows, as stated in your decision of July 16, 1902, that applicant is a Cherokee by blood, and that he first came to the nation with his father and mother in 1880; that in 1882 he and his parents were admitted to citizenship in the Cherokee Nation, and he is identified on the 1896 census roll; that he returned to the State of Iowa, with his parents, just after their admission to citizenship, on account of the ill health of his mother; that the applicant lived with his grandparents in Iowa, and did not return to the Indian Territory until February, 1900; that he was 22 years of age on June 28, 1898, and was not then a resident of Indian Territory. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), which declares that "No person shall be enrolled who has not heretofore removed to and in good faith

settled in the nation in which he claims citizenship," you denied the application.

The Commissioner of Indian Affairs by letter of September 23, 1902, recommends that your decision be approved. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

1 inclosure.

Refer in reply to
the following:
59260--1902
59152--1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Nov. 7, 1903.

The honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of October 4, 1902 (ITD 5871), there is enclosed herewith a communication from Kimball and White, of this city, dated September 15, 1903, filing a motion for a review and rehearing, with brief in support thereof, in the matter of the application of Orville E. Thornton for enrollment as a citizen of the Cherokee Nation.

The record in this case shows that this applicant first came to the Cherokee Nation with his parents in 1860; that on September 25, 1862, he and his parents were admitted to citizenship in the Cherokee Nation; that he is identified by the 1896 census roll; that soon after his admission in 1862 he went to Iowa with his parents; that his mother died enroute to the home of her parents in Iowa; that soon after her death the applicant was placed in the care and custody of his grandparents; that his father, George W. Thornton, returned to the Indian territory where he has since resided; and that this applicant did not return to the Cherokee Nation until February, 1900.

Inasmuch as the decision of the Department in this case was rendered prior to the decisions in the Yeargain and Shirley cases, and before the opinion of the Assistant Attorney General of July 8th last, it is believed that the motion should be allowed.

In connection herewith attention is respectfully invited to office report of October 7th last transmitting a report from the commission dated September 1st requesting that the record in this case be returned to it for a readjudication of its decision.

Very respectfully,

W. A. Jones,

Commissioner.

GAW-S

D C 7572-1904.

DEPARTMENT OF THE INTERIOR,

YP

I.T.D. 5871-1902.
8018-1903.

WASHINGTON:

FHE

March 3, 1904.

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

Gentlemen:

October 4, 1902, the Department affirmed your decision rejecting the application for the enrollment of Orville E. Thornton, as a citizen of the Cherokee Nation by blood, you having rejected the application in accordance with the interpretation placed at that time upon paragraph 9 of section 21 of the act of June 28, 1898 (30 Stats, 495).

On September 21, 1903, you requested that this case, among others, be returned to you for readjudication, in accordance with the action of the Department in the Yeargain case.

With letter of November 7, 1903, the Commissioner of Indian Affairs submitted a motion by the applicant for review in this matter. In submitting said motion the Commissioner recommends that in view of the action of the Department in similar cases, and of the opinion of the Assistant Attorney General of July 8, 1903, approved by the Department, that the motion for review be allowed.

It appears that Thornton is a Cherokee by blood; that he came to the Cherokee Nation from Iowa with his parents in 1880; that on September 25, 1882, he and his parents were duly admitted to citizenship in said Nation. It is shown that the applicant's parents returned with him to the state of Iowa just after their admission to citizenship, for a temporary absence from the Indian Territory be reason of the ill health of his mother, who died enroute to the home of her parents; that immediately after her death the applicant, who was about six years of age, was placed by his father in the care and custody of his grandparents, and his father returned at that time to the Indian Territory, where he has resided since. The applicant remained with his grandparents during his minority, and was frequently visited by his father, who regularly contributed to his support. He returned to the Nation in February, 1900.

As the Department considers the residence of the father the residence of the child during his minority, and as it is not shown that the applicant became a citizen of any other government than the Cherokee Nation, it is not deemed necessary to remand the case. The decision of October 4, 1902, is rescinded, and your decision of July 16, 1902, rejecting the application, is hereby reversed, and you are authorized to enroll the applicant, in the absence of any other objection.

A copy of the Commissioner's letter of November 7, 1903, is inclosed.

Respectfully,

(Signed) Thos Ryan, Acting Secretary.

1 inclosure.

Cherokee R-752

Tahlequah, Indian Territory, March 18, 1904.

Edgar Smith,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that on March 3, 1904, the Secretary of the Interior rescinded and reversed the former action of the Department affirming the decision of the Commission denying the application for the enrollment of Orville E. Thornton, Cherokee R-752, and ordered that he be enrolled as a citizen of the Cherokee Nation in the absence of any further objection to such enrollment.

The applicant has this day been notified of the Department's action.

Respectfully,

URS

R75 ✓

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Cherokee R-78E

Tablequah, Indian Territory, March 18, 1904.

Orville E. Thornton,
Eagle, Indian Territory.

Dear Sir:

You are hereby advised that on March 3, 1904, the Secretary of the Interior rescinded and reversed the former action of the Department affirming the decision of the Commission denying your application for enrollment, and ordered that you be now enrolled as a citizen of the Cherokee Nation in the absence of any further objection to such enrollment.

Your attorneys and the attorneys for the Cherokee Nation have also been notified of the Department's action.

Respectfully,

~~6410A~~

6PE01

COLUMBIAN BUILDING,

WASHINGTON, D. C.

GENERAL:

TO THE DIRECTOR, NATIONAL ARCHIVES
FROM THE DIRECTOR, NATIONAL ARCHIVES
RE: [Illegible]

RECEIVED

Cherokee R-752

Tahlequah, Indian Territory, March 18, 1904.

Kimball & White,
Columbian Building,
Washington, D. C.

Gentlemen:

You are hereby advised that on March 3, 1904, the Secretary of the Interior rescinded and reversed the former action of the Department affirming the decision of the Commission denying the application for the enrollment of Orville B. Thornton, Cherokee R-752, and ordered that he be enrolled as a citizen of the Cherokee Nation in the absence of any further objection to such enrollment.

The applicant has this day been notified of the Department's action.

Respectfully,

GRS

~~R 75 V~~

10 39.0

Cherokee R-782

Tahlequah, Indian Territory, March 18, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 3, 1904, the Secretary of the Interior rescinded and reversed the former action of the Department affirming the decision of the Commission denying the application for the enrollment of Orville E. Thornton, Cherokee R-782, and ordered that he be enrolled as a citizen of the Cherokee Nation in the absence of any further objection to such enrollment.

The applicant has this day been notified of the Department's action.

Respectfully,

Cher 10391

Florence E. Cox

Trans. from D231

Cher 10391

SEP 19 1900
K I T E D
COMMISSION TO THE LIFE COMMISSION
DEPARTMENT OF THE INTERIOR

Handwritten scribble

Handwritten mark

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., AUGUST 30, 1900.

In the matter of the application of Florence Cox for enrollment as a citizen of the Cherokee nation; said Cox, being sworn by Commissioner T. H. Needles, testified as follows:

- Q What is your name? A Florence Cox.
Q What is your age? A 21.
Q What is your post office address? A Checotah.
Q Are you a recognized citizen of the Cherokee nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A One-eighth.
Q What district do you live in? A I am not living in the Cherokee Nation.
Q Did you ever live in the Cherokee nation? A I have; I was born and raised in it.
Q What is the name of your father? A Sam Severs.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Lena Severs.
Q Her name was Severs in 1880? A Yes, sir.
Q Is she living? A Yes, sir. I was not in the nation in 1880 and my name is not on the 1880 roll.
Q Are you married? A Yes, sir. A My maiden name was Severs.
Q What is your husband's name? A George A. Cox.
Q When were you married? A In 1897.

1896 enrollment; page 70, #1921, Florence Severs, Canadian.

Com'r Needles:

The name of Florence E. Cox appears upon the census roll of 1896 as Florence Severs. The name of her father and mother, Samuel and Lena Severs, are found upon the census roll of 1896. She avers that she was married to George E. Cox, a white person, in 1897. Satisfactory proof as to her residence being made, but not satisfactory proof as to her citizenship, final judgment as to the application of herself for her enrollment, will be suspended, and her name will be placed upon a doubtful card.

---00000000---

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

John A. [Signature]

Subscribed and sworn to before me this 5th day of September, 1900.

[Signature]
Commissioner

1523
L-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 30 1900

[Handwritten signature]
1899

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date August 30 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:
William E. Carl
James E. Carl

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

to be placed on the card with
Flonice E Carl

1234

8231

B-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 30 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date **AUG 30 1900** 1900,

Name **Checotah** J. J.

District Year Page No.

Citizen by blood Mother's citizenship **Doubtful**

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name **Alma E Cap** **nee Severo**

District **CANADIAN.** Year **1896** Page **70** No. **1921**

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage **Jan 1892**

License Certificate **Alma** "

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

1 in 1896 with Alma Severo

X 1921

Department of the Interior
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T. August 30, 1900.

In the matter of the application of Florence E. Cox for the enrollment of herself and children as Cherokee citizens; being sworn and examined by Commissioner Needles she testifies as follows:

--- Supplemental---

- Q What is your name? A Florence E. Cox
Q What is the name of your husband? A George A. Cox.
Q Is he a non-citizen? A Intermarried citizen.
Q When were you married to him? A In 1897.
Q You have two children? A Yes sir.
Q What are their names? A William J. Cox and Lena L. Cox.
Q How old is William J? A He will be three this coming December.
Q How old is Lena? A Thirteen Months.
Q Are these children alive and living with you? A Yes sir.
Com'r Needles:

The applicant presents proof of the birth for these two children, which is satisfactory, and ordered filed; this testimony is to go with the testimony of Florence E Cox, in the application for the enrollment of herself and children, who will be placed upon the same card.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this 6 day of Sept 1900.

T. B. Needles
Commissioner.

1931
Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, P. O., February 21, 1903

In the matter of the application of Florence E. Cox for the enrollment of herself and children as citizens of the Cherokee Nation:

The Commission: It is directed that copies of all testimony had in the matter of the application of Samuel B. Revers, for the enrollment of himself, wife and children, as citizens of the Cherokee Nation, be filed with and made a part of the record in this case.

There is no other statement you desire to make Mrs. Cox ?

A. I believe not.

Then you submit the case to the Commission for final consideration ?

A. Yes sir.

The case is also submitted by the representatives of the Cherokee Nation; and the same is closed.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony had in the above entitled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof.

1903

D 231.

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

In the matter of the application of Florence H. Cox for the enrollment of herself and children as citizens of the Cherokee Nation:

The Commission: It is directed that copies of all testimony had in the matter of the application of Samuel B. Sovers, for the enrollment of himself, wife and children, as citizens of the Cherokee Nation, be filed with and made a part of the record in this case.

There is no other statement you desire to make Mrs. Cox ?

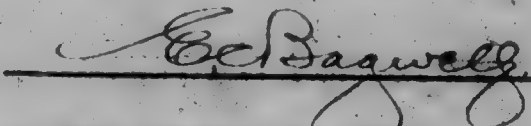
A I believe not.

Then you submit the case to the Commission for final consideration ?

A Yes sir.

The case is also submitted by the representatives of the Cherokee Nation; and the same is closed.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony had in the above entitled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof.



Subscribed and sworn to before me this February 24, 1902.



Commissioner.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1900.

In the matter of the application of Samuel B. Severs for enrollment as a citizen of the Cherokee Nation; being sworn and examined by Commissioner McKenna he testified as follows:

- Q What is your name ? A Samuel B. Severs.
Q How old are you ? A Forty-six years.
Q You are a Cherokee by blood ? A Yes sir.
Q How long have you lived in the Cherokee Nation ? A I have not lived there since I was fourteen years old.
Q Where have you been living ? A In the Creek Nation.
Q How long had you lived there before ? A I lived there until I was fourteen years old.
Q Were you born and raised there ? A Yes sir.
Q Always recognized as a citizen ? A Yes sir.
Q Have you a wife ? A Yes sir.
Q Is she a white woman ? A Yes sir.
Q What is her name ? A Lena.
Q How old is she ? A She will be forty-five the 30th day of July next.
Q Where were you married to her ? A In Dakota.
Q Have you evidence of your marriage, - anything in the way of a certificate ? A No sir.
Q You were married to her lawfully ? A Yes sir, and brought her to this country.
Q Is there anyone here who knows that you are living with her as husband and wife ? A Yes sir.
Q Who knows you here ? A Doctor Fite.

Francis B. Fite being sworn and examined by Commissioner McKenna testifies as follows:

- Q What is your name ? A Francis B. Fite
Q How old are you ? A Thirty eight.
Q Do you know Samuel B. Severs ? A Yes sir.
Q Do you know his wife, Lena ? A Yes sir.
Q She is a white woman ? A Yes sir.
Q He is a Cherokee ? A Yes sir.
Q Do you know that they live together as husband and wife ?
A Yes sir.
Q And are so held in the community ? A Yes sir.

Samuel B. Severs, being re-called, testifies:

- Q Have you children ? A Yes sir, Helen, seventeen years old; Bessie, eighteen years old; Emma, ten years old; Charles J., Samuel B. Jr., twelve years old; Barto Fite.

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

(Supl to D 231)

Cherokee straight No. 19.

"R"

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

January 6, 1902
SUPPLEMENTAL TESTIMONY, in the matter of the application of
Samuel B. Severs, for the enrollment of himself, wife and children
as citizens of the Cherokee Nation.

Appearances:

Applicant in person;
Mr. Baugh, for the Cherokee Nation.

SAMUEL B. SEVERS, appearing before the Commission, and being
sworn and examined, testified as follows:

BY THE COMMISSION:

- Q What is your name ? A Samuel B. Severs.
Q How old are you ? A 47
Q What is your post office address ? A Muskogee.
Q Are you living in the Creek Nation ? A Yes sir.
Q You made application to the Commission on May 11, 1900 for en-
rollment of yourself, wife and six children ? A Yes sir.
Q Your wife is a Cherokee by intermarriage ?
A Intermarriage, yes sir.
Q Have you been recognized as a citizen of the Cherokee Nation by
the tribal authorities ? A Always, yes sir.
Q Does your name appear upon the 1880 roll ? A No sir, '86 I
believe.
Q Were you admitted to citizenship ? A By an act of the National
Council ? A No sir, they never required it.
Q Why is your name not on the 1880 roll ? A Well, I couldn't
say why; we were living in the Creek Nation.
Q Were you living in the Territory at that time ?
A No, I don't think I was.
Q That is, in 1880 ? A No, I was not in the Territory.
Q Where were you at that time ? A I think I was in Saint
Louis, I aint sure, but I was around a good deal them days.
Q That was prior to your marriage was it ? A No sir.
Q When were you married to your wife ? A Why in '79, I think
that's it.
Q When did you first leave the Cherokee Nation, Mr. Severs ?
A I left the Cherokee Nation, my father sent me to Saint Louis
in 1870, ne- yes '70.
Q How long did you remain there ? A I remained there up until
1884 I think.
Q Were you attending school there at that time ?
A Yes sir, and learning a trade.
Q Were you married while you were living at Saint Louis ?
A I was married, yes, in the states.
Q You and your wife kept house there did you ? A Oh yes, yes sir.
Q When did you first return to the Territory after that ?
A Oh I came there frequently.
Q I mean to remain here permanently ? A '84.
Q Since that time you have been residing here permanently contin-
uously ? A Yes sir.
Q Did you ever apply for admission, re-admission after your return ?
A No sir, I never was rejected on any of their rolls; if that had
occurred I might have applied, because they always recognized me as
a Cherokee citizen.
Q Is your father living ? A Yes sir.
Q Do you claim your right to enrollment through your father or
mother ? A Mother.
Q When did she die ? A She died about '69 or '70, somewhere in
'70. I don't remember the date now, I couldn't find out, it is

along in there somewhere.

Q Did you apply to this Commission in 1896 for admission to citizenship in the Cherokee Nation? A No sir, the citizenship was never questioned of course, that's why I never.

Q You drew the Strip money in 1894? A Yes sir.

Q What is the name of your wife, Mr. Severs? A Lena.

Q What is the name of your oldest child living at home with you and not married? A Bessie.

Q How old is she? A I think she is about 20.

Q What is the name of the next one? A Helen.

Q Next one? A Charlie.

Q Next one? A Samuel B. Jr., and Emma and Barte F.

Q These are all the children living? A Yes sir.

Q Did you draw money for these children in 1894?

A Why I guess no, that's all I had at that time.

1894 pay roll of citizens of the Cherokee Nation examined for applicants and identified thereon as follows:

page 96 #2024, Samuel B. Severs, Sr., Canadian District;

page 96 #2026, Bessie M. Severs, Canadian District;

page 96 #2027 Ellen Severs, Canadian District;

page 96 #2028 Charles J. Severs, Canadian District;

page 96 #2029 Samuel B. Severs, Jr., Canadian District;

page 96 #2030 Emma M. Severs Canadian District;

page 96 #2031 Barton Severs, Canadian District;

1896 census roll of citizens of the Cherokee Nation examined and applicants found on

page 70 #1920 Samuel B. Severs, Canadian District;

page 93 #274 Lena Severs, Canadian District;

page 70 #1922 Bessie Severs, Canadian District;

page 70 #1923 Helen Severs, Canadian District;

page 70 #1924 Charles Severs, Canadian District;

page 70 #1925 Samuel B. Severs, Jr., Canadian District;

page 70 #1926 Emma Severs, Canadian District;

page 70 #1927 Barte F. Severs, Canadian District;

Q Where were you married to your wife Mr. Severs?

A I was married in Wisconsin.

Q Can you procure a certified copy of the record there to supply to the Commission? A No, I haven't.

Q I mean can you get a certified copy from the county clerk up there, that issued the license? A No, I couldn't do it.

Q In what county were you married? A I don't know the county now.

Q You remember the name of the town? A It is near Deadwood Agency, I can't remember it now; I have no certificate.

Q You don't remember the name of the town nor the county, then?

A No sir.

BY MR. BAUGH:

Q What was your mother's maiden name? A Elisabeth McIntosh.

Q Does her name appear upon the 1896 roll? A She died before then; you will find her name on the emigrant roll.

Q Where were you born? A Born at Fort Gibson. I have two brothers living over there somewhere, I have a brother residing near Fort Gibson now; of course my father being in this country I have spent most of my time here since I was a boy.

BY COMMISSION:

Q Your brothers that you speak of, are they your brothers by the same mother? A Yes sir, half-brothers.

Q Was their father a white man? A Yes sir.

Q Were you all raised together? A Yes sir until my father sent me away.

Q Your brothers never lived out of the Territory? A No.

BY MR. BAUGH:

Q What are the names of your brothers ?

A John Casey, and Will and Arch.

BY COMMISSIONER:

Q And the reason you did not apply to the tribal authorities when you returned to the Cherokee Nation, for re-admission, was because you thought it was not necessary ? A Why certainly, if I thought it was necessary, I could have gone right to Tahlequah; if I thought there was any question as to my citizenship I would have looked into it; they all know me to be a Cherokee citizen, and I have a farm in Canadian District.

Q You own property in the Cherokee Nation ? A Yes sir.

Q Did you ever vote anywhere except in the Cherokee Nation ?

A No sir.

Q When you lived in Missouri did you ever exercise the right of suffrage there ? A No sir.

BY MR. BAUGH:

Q What McIntosh was your mother ? A She was a cousin of Jim Keys.

BY COMMISSIONER:

This testimony will be filed in the case, and made a part of the record in the matter of the application of Samuel B. Severs, et al, for enrollment as citizens by blood of the Cherokee Nation, and when the decision of the Commission is finally rendered in the matter of this application, the applicant will be duly notified at his present post office address.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this January 7th, 1902.

(Signed) T. B. Needles,

Commissioner.

[REDACTED]

[REDACTED]

10

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

In the matter of the application for the enrollment of
Samuel B. Severs, et al., Cherokee Field #19, and Florence E. Cox, et
al., Cherokee Doubtful #31.

SUPPLEMENTAL STATEMENT.

An examination of the Cherokee tribal roll of 1890 reveals
the identity of the applicants herein as follows:

Samuel B. Severs, on page 92, #1893, Canadian District, N. C.
Lena Severs, page 97, #1894, Canadian District: A. V.,
Florence E. Cox, " 97, #1895, " " " as Florence E. Severs,
Bessie Severs, " 92, #1896, " " " : N. C.,
Helen Severs, " 92, #1897, " " " as Helen Severs, N. C.
Charles J. Severs, page 92, #1898, Canadian District: N. C.
Samuel B. Severs, Jr., page 92, #1899, Canadian District: N. C.,
Emma Severs, page 92, #1900, Canadian District: N. C.

It is ordered that this statement be filed with and made a
part of the record in these cases.


Commissioner

Muskogee, Indian Territory,

February 14, 1905.

DEPARTMENT OF THE INTERIOR,

NOV 1890 TO THE FIVE OF JUNE 1891.

In the matter of the application of Samuel B. Severs, et al., for enrollment as citizens by blood of the Cherokee Nation, consolidating the applications of:

Samuel B. Severs et al
Florence E. Cox et al

Cherokee Field No. 211
Cherokee N. No. 231

DECISION.

The record shows that on May 11, 1890, Samuel B. Severs appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Helen, Bessie, Mrs. Charles J., Samuel B., Jr., and Barto F. Severs, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 9, and September 25, 1892. The record further shows that Helen Severs was married on July 14, 1889, to one V. E. Butts. She will be listed for enrollment under her present name.

The application also included Lena Severs for enrollment as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not endorsed in this decision.

The record further shows that Florence E. Cox appeared before the Commission on August 30, 1890, at Fort Gibson, Indian Territory, and made personal application for the enrollment of herself and her two minor children, William J. and Lena L. Cox, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 21, 1892.

The evidence shows that Samuel B. Severs, a native Cherokee, married his wife Lena, a white woman, in 1854, and as a result of that marriage all the other applicants herein, except William J. Cox and Lena L. Cox, were born. It further appears that the applicants in the application of Samuel B. Severs, et al., are identified on the Cherokee rolls of 1890, 1894 and 1898.

The evidence further shows that Florence E. Cox is identified on the Cherokee rolls of 1890 and 1898; that in 1857 she was married to one George A. Cox, a white man, and that William J. and Lena L. Cox are the issue of that marriage. The said William J. and Lena L. Cox are too young to appear on any of the tribal rolls but are identified by birth affidavits made a part of the record herein.

The evidence further shows that Samuel B. Severs was born in the Cherokee Nation and lived there until about 1870, when he left said nation and remained away until 1884, but during that time he never acquired a permanent residence elsewhere. He returned in 1884,

-2-

and since that time has resided within the limits of the territory of the Five Civilized Tribes continuously, up to and including the date of the application herein. The residence of his said children, except Florence E. Cox, is presumed to be the same as that of their father.

The said Florence E. Cox was born within the territory of the Five Civilized Tribes, and has resided therein all her life, up to and including the date of the application herein. The residence of her children is presumed to be the same as her residence.

It is, therefore, the opinion of this Commission that Samuel B. Severs, Helen Mitts (formerly Helen Severs), Emma Severs, Charles S. Severs, Samuel B. Severs, Jr., Martha E. Florence E. Cox, William J. Cox and Lena E. Cox should be considered citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1906 (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

Jams Bixby

Chairman

(SIGNED)

T. B. Needles

Commissioner

(SIGNED)

C. R. Breckinridge

Commissioner

(SIGNED)

W. E. Stanley

Commissioner

Signed at Muskogee, I. T.,

this JUN 1 - 1903

FILED
FEB 28 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
AUXILIARY CHEROKEE LAND OFFICE.

Washogee, Indian Territory, February 28, 1906.

In the matter of the application of Florence E. Putnam, formerly Cox, for the selection of lands in allotment for herself and her minor children William J. and Lena L. Cox.

Florence E. Putnam, being sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Florence E. Putnam.
Q What is the name of your father? A Samuel B. Sovers.
Q What is the name of your mother? Lena Sovers.
Q What is your post office? A Wetumka, Indian Territory.
Q Was it formerly Washogee, Indian Territory? A Yes sir.
Q How old are you? A 26.
Q What is the name of your husband? A A.D. Putnam.
Q Does he make any claims to Cherokee citizenship? A No sir.
Q Were you married before you married A.D. Putnam? A Yes sir.
Q What is the name of your former husband? A George A. Cox.
Q Is he living now? A Yes sir.
Q Were you divorced? A Yes sir.
Q In the granting of the divorce were you given the care and custody of the children? A Yes sir.
Q Are the children living at this time? A Yes sir.
Q Are they living with you? A Yes sir.
Q When was the divorce granted? A In the April term of the United States Court at Muskogee, Indian Territory, 1904.
Q You were the plaintiff in that suit? A Yes sir.
Q Do the lands you desire to select in allotment for yourself and two children lie west of the Grand river? A Yes sir.
Q Has any previous filing or application been made for land for either yourself or your two children? A No sir.
Q This is your first application? A Yes sir.

WITNESSES EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Subscribed and sworn to before me this 28th day of February, 1906.


Notary Public.



COMMISSIONERS:
HENRY L. DAWES,
TAMM BERRY,
THOMAS B. HENNING,
C. R. BRADSHAW.

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

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory.....

February 4th,

1902

Mrs. Florence H. Cox,

Chesotah, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself and two minor**

children

for enrollment as **citizen** of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

21st day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Charles D. Hill

Register.

Acting Chairman.

July 19

1231

Copy:

~~SECRET~~

COMMISSIONERS
HENRY L. DAVIS
TAMM BIRBY
EDWARD B. NEEDLES
C. B. BURCHIRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee 19
Cherokee D 231

Vinita, Indian Territory, January 28, 1903.

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

Gentlemen:

Referring to the list of Cherokee cases held for further testimony, transmitted with the Commission's recent letter, the following note appears thereon as to case 19 and case D 231, Samuel B. Severs, et al., and Florence E. Cox: "Samuel B. Severs on 1894 and 1896 rolls only. He ought to be identified on other rolls, if possible. Proof required as to status of his wife, Lena on September 1, 1902."

There is enclosed herewith the original copy of testimony taken September 25, 1902, in which Lena Severs testified as to her status on September 1, 1902. The tribal rolls of the Cherokee Nation in the possession of this Commission, other than the 1894 and 1896 rolls, have been examined and the applicants in these two cases are identified only on the 1890 roll as follows: "Samuel B. Severs on page 92, #1893, Canadian District, N. C.

Lena Severs,	page 92,	#1894,	Canadian District;	A.W.,
Florence E. Cox,	" 92,	#1895,	"	as Florence E. Severs,
Bessie Severs,	" 92,	#1896,	"	" N. C.,
Helen Severs,	" 92,	#1897,	"	as Hellen Severs, N.C.

Charles J. Severs, page 92, #1898, Canadian District; N. C.,
Samuel B. Severs, Jr., page 92, #1899, Canadian District; N. C.,
Emma Severs, page 92, #1900, Canadian District; N. C.

The decision and record forwarded to this office in this
case is returned to the Commission herewith.

Respectfully,

P. G. Reuter

Clerk in Charge.

Encl)-8(4

GRS.

COPY.

Cherokee-19
Cherokee D-231

Muskogee, Indian Territory, July 8, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Samuel B. Severs for the enrollment of himself and his six minor children, Helen Butts and Beesie, Emma, Charles J., Samuel B. Jr., and Harro F. Severs, and the application of Florence E. Cox for the enrollment of herself and her two minor children, William J. and Lena L. Cox, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in these cases. If you fail to file protest within time allowed this decision will be considered final.

Respectfully,

I. B. Needles

Commissioner of the Five Civilized Tribes

D-251
Cherokee D-251

Tahlequah, Indian Territory, August 19, 1904.

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

Gentlemen:

As directed in the Commission's letter of August 24,
I have the honor to transmit herewith the original jacket and
record in the matter of the application of Florence E. Cox et al.,
Cherokee D-251, for enrollment as citizens of the Cherokee Nation.

Respectfully,

Clerk in Charge
Cherokee Land Office

MY

Enc. M-2111

Refer in reply to
the following:
Land.
82,368-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Oct. 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, a report from the Commission to the Five Civilized Tribes, dated August 11, 1903, transmitting the record relative to the application of Samuel B., Bessie, Emma, Charles J., Samuel B. Jr., and Barto F. Severs, and Helen Butts and Florence E., William J., and Lena E. L. Cox, as citizens by blood of the Cherokee Nation.

Florence E. Cox and Helen Butts are the daughters of Samuel B. Severs, Sr., William J. and Lena Cox are the minor children of Florence E. Cox. Samuel B. Severs also applied for the enrollment of Lena Severs as an intermarried citizen, but she is not included in the commission's decision.

The record shows that the principal applicant is a native Cherokee and that in 1894 he married Lena Severs. All of the applicants except Florence E., William J. and Lena Cox, are identified by the Cherokee rolls of 1890, 1894 and 1898. Florence E. Severs was married to George A. Cox, a white man, in 1897. She is identified by the 1890 and 1898 rolls. Samuel B. Severs was born in the

Cherokee Nation and lived there until 1870, when he went therefrom and did not return until 1884. He has resided within the limits of the nation continuously since his return; the record does not show that he became a citizen elsewhere during his residence beyond the limits of the nation, and the approval of the commission's decision is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

(G.A.W.)P.

D C 8551-1904.

(COPY)

ITD. 7608-1903.

DEPARTMENT OF THE INTERIOR.

HAF.

L.R.S.

WASHINGTON.

March 10, 1904.

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

Gentlemen:

The Department is in receipt of your communication of August 11, 1903, transmitting the record in the consolidated case involving the applications for enrollment of the following named persons as citizens by blood of the Cherokee Nation; Samuel B. Severs makes application for himself and his minor children, Helen, Bessie, Emma, Charles J., Samuel B., Jr., and Barte F. Severs; Florence E. Cox makes application for herself and her minor children, William J. and Lena L. Cox. Samuel B. Severs also made application for enrollment of his wife, Lena Severs, as a Cherokee citizen by intermarriage, but her right to enrollment is not passed upon in your decision. The record shows that Helen, the minor child of Samuel B. Severs, was married July 16, 1902, to one W. B. Batts.

It appears from the record that Samuel B. Severs, a native Cherokee, married his wife, Lena, a white woman, in 1878, and that all of the other applicants herein, except William J. Cox and Lena L. Cox, are the issue of that marriage; that the applicants in the application of Samuel B. Severs et al. are identified on the Cherokee rolls of 1890, 1894 and 1896. The evidence further shows that Florence E. Cox is identified on the Cherokee rolls of 1890 and 1894.

that in 1897 she was married to George A. Cox, a white man, and that William J. and Lena L. Cox are her children by that marriage. Said children are duly identified by birth affidavits, they having been born since the making of said rolls.

The record further shows that Samuel B. Severs was born in the Cherokee Nation and lived there until about 1870, when he left the nation; that he returned to the Indian Territory in 1884, and has ever since resided therein; that during his absence from the nation he never acquired a permanent residence elsewhere. It appears that Florence E. Cox was born, and has always resided, in the Indian Territory. By decision rendered June 1, 1903, you held that the applicants are entitled to be enrolled as citizens by blood of the Cherokee Nation.

Reporting October 23, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The attorney for the Cherokee Nation protests against your decision, stating that Samuel B. Severs left the nation in 1870, remained away from the Indian Territory until 1884, when he returned to the Creek Nation, and that he has ever since resided in the Creek Nation. The attorney contends that as Severs did not apply for re-admission upon his return to the Territory, the names of the applicants are upon the subsequent rolls "without authority of law."

In the Cherokee case of Joseph D. Yeargain et al., the Assistant Attorney General on March 16, 1903, rendered an opinion, in which it is stated:

"There are three elements clearly defined which must govern

to effect forfeiture of nationality, or complete expatriation --viz: removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship there."

Inasmuch as Samuel B. Severs did not become a citizen of any State, and did not, therefore, forfeit his citizenship in the Cherokee Nation, it was not necessary for him to apply for "readmission" to citizenship in said nation. The Department, therefore, affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee 19
" D 231

Muskogee, Indian Territory, March 25, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated June 1, 1903, granting the application for the enrollment of Samuel B. Severs, his six minor children, Helen Butz and Bessie, Emma, Charles J., Samuel B. Jr. and Barto F. Severs, and Florence E., William J. and Lena L. Cox, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee 19
" D 231

Muskogee, Indian Territory, March 25, 1904.

Samuel B. Severs,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated June 1, 1903, granting the application for the enrollment of yourself and your six minor children, Helen Butt and Bessie, Emma, Charles J., Samuel B. Jr., and Barto F. Severs, and Florence E., William J. and Lena L. Cox, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

RECEIVED
AUG 30 1917
ENCL. NO. 5200
U.S. DEPT. OF THE INTERIOR

WASHINGTON, AUG 27 1917, 191

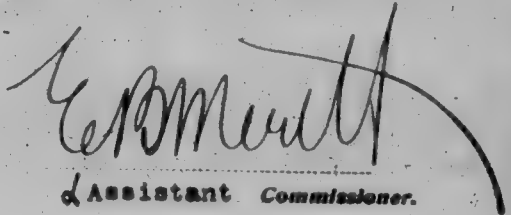
I, E. B. Meritt, Assistant, Commissioner

of Indian Affairs, do hereby certify that the papers hereto attached

are true copies of the originals as the same

appear on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.


Assistant Commissioner.



NEANE CHILD

WILLIAM W. COX

CLARENCE

August 10th, 1900

DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

RECEIVED
AUG 10 1900

Card #2331

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIELD OFFICERS

IN RE Application of

of *William James*

Name of Father: *Geo. W. James*

Name of Mother: *Florence*

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA

INDIAN TERRITORY

Northern

I, *Florence*

years of age and a citizen, by

that I am the lawful wife of

Marriage of

born to me on the *9th*

named *William James*

WITNESSES TO MAKE

(Must be Two Witnesses)

Subscribed and sworn

My Commission

AFFIDAVIT OF ATTENDING PHYSICIAN OR M.D.W.F.

UNITED STATES OF AMERICA

INDIAN TERRITORY

Northern

I, *William H. Reed*

attended on Mr. *Florence*

on the *9th* day of *December*

said date a *Male*

named *William James*

WITNESSES TO MAKE

(Must be Two Witnesses)

Subscribed and sworn

IN RE

Application for Enforcement of

INFANT CHILD

Lena L. Cox

in care of the

Welfare

Commission

Approved August 20th, 1900.

RECEIVED

W.M.S.

F. L. L.

4

31

DEPARTMENT OF THE INTERIOR
DIVISION TO THE FIVE CIVILIZED TRIBES

Name of the party *Whitaker* No. *16th*
 Name of the party *16th* No. *1899*
 Name of the party *Whitaker* No. *16th*
 Name of the party *Whitaker* No. *16th*
 Name of the party *Whitaker* No. *16th*

AFFIDAVIT OF MOTHER

I, *Whitaker*, do hereby certify that
 the above named party *Whitaker* is
 the mother of *Whitaker*
 who was born *16th* 1899
 at *Whitaker*

August 1900

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE

UNITED STATES OF AMERICA
 I, *Whitaker*, do hereby certify that
 the above named party *Whitaker* is
 the mother of *Whitaker*
 who was born *16th* 1899
 at *Whitaker*

Whitaker

Cher 10392

Mary A. Payne

Trans. from D769

Cher 10392

2769

[Handwritten mark]

COMMISSION TO THE

F I L E
NOV

Page 2

... of his identification notes in said ...
... and that the ... is a ...
... reported in ...
... as a ...

... to be ...

[Large handwritten signature]

...
...

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. November, 8th 1900

In the matter of the application of Mary A. Payne for the enrollment of herself as a Cherokee citizen. She being sworn testified before the Commission as follows-

- Q What is your name? A. Mary A. Payne
Q How old are you? A. 58.
Q What is your post office? A. Claremore.
Q Do you live in Coowasocowee District? A. Yes sir.
Q Who is it that you want to have enrolled? A. Just myself.
Q Are you a Cherokee by blood? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life except a few years. Q. When was that? A. Just during the war? A. No just after the war.
Q Are you on the 1880 roll? A. No sir.
Q Are you on the 1896 roll? A. Yes sir.
Q Why are you not on the 1880 roll? A. Was not here then, I was in Kansas; my husband was working there, he was following his trade as a blacksmith.
Q Were you re-admitted to citizenship after you came back by the Cherokee Council or Commission? A. Yes sir I went down there and they told me I was re-admitted.
Q Give me the name of your father? A. John Nave.
Q Is he dead? A. Yes sir.
Q Was he a Cherokee or white man? A. Cherokee.
Q Give me the name of your mother. A. Rachel Looney was her maiden name.
Q Is she dead? A. Yes sir.
Q Was she a Cherokee? A. Yes sir.
Q How oft have you been married? A. Once.
Q When were you married? A. In 1863.
Q To whom were you married? A. William P. Payne.
Q Is he dead? A. Yes sir.
Q When did he die? A. He died in 1895.
Q When you married him in 1863 where did you marry him? A. In Canadian District.
Q And how long did you and him continue to live together in the Cherokee Nation after your marriage? A. Until the year 1878.
Q And then you and he went up to Kansas? A. Yes sir.
Q How long did you live with him up there? A. We came back in 1892
Q Did you live in Kansas from 1878 until 1892? A. Yes sir.
Q Have you lived here ever since you came back in 1892? A. Yes sir.
Q Did you take all your household goods up there? A. Nothing but our bedding and clothing; had a farm down here.
Q Were your children all born up there in Kansas? A. All but one was born in the Cherokee Nation.
Q How many have you? A. Five.
Q Did you frequently come back to the Cherokee Nation while you were up there? A. Yes sir came back almost every year.
Q You say you had a farm down here? A. Yes sir.
Q How old is your youngest child? A. 23.
Q How old is your oldest child? A. 35.
1896 roll, page 255, No 2801, Mary A. Payne, Coowasocowee.

By Cherokee Representative Hastings.

- Q Where is your oldest son? A. In Kansas.
Q Where is your next oldest child? A. He is living near Vinita, has a farm there.
Q Where is your next child? A. Over here on my farm.
Q Where is your fourth child? A. Living in Tahlequah, Cherokee Nation.

Q Who did she marry? A. She married Jim Guinn.

Q Where is your next one? A. Here.

Q Where is your place in Canadian District? A. At Webbers Falls. We sold it.

Q When did you dispose of it? A. Just a year before we came back in 1892, in December.

Q About what size farm was it? A. A small place, some 30 or 35 acres in cultivation.

Q What did you sell it for? A. \$500.00

Q Did you receive rents annually from it while living in Kansas?

A Yes sir.

Q Where did you live in Kansas? A. Parsons.

Q How far is that from the Cherokee line? A. I, dont know just exactly 30 or 40 miles.

Q Did you live in Parsons all the time that you were living in Kansas?

A No sir lived in Parsons only ten months and then moved to Galesburg near Parsons, and lived there some time. My husband was a blacksmith and he moved wherever there was work for him to do.

Q How big is Galesburg? A. A small place.

Q Did you own a house there? A. Yes sir, owned a house when we lived there.

Q Did you own a farm in Kansas? A. No sir.

Q Did you live in any other places there? A. Yes sir, we went to Fredonia and lived there a year I guess, moved from there down here.

By the Commission

Q You have no certificate of re-admission to Cherokee citizenship? No sir. I went before the Council and it went before the Committee and they told me "You have gone through all right" they never gave me a certificate.

Q Your husband was a white man was he? A. No sir he was a Cherokee he was a relation of Mr. Starr here.

By Mr. Hastings-

Q Was your husband ever indicted either immediately before or after you went to Kansas? A. No sir.

Q Wasnt he accused of any trouble there the reason that you left?

A If he was I didnt know of it.

By the Commission

The applicant applies for enrollment as a Cherokee by blood. She is identified on the 1896 roll as a native Cherokee. She is not identified on the 1890 roll. She states that she married her husband, who was a Cherokee, in 1883, and that they lived together until his death in 1893. They moved to the state of Kansas, he following his trade as blacksmith and they lived there until 1892. She does not present a certificate of her re-admission by the Cherokee Council or Commission. Her husband died in 1893. He is not upon any roll accessible to the Commission. The applicant states that she has lived in the Cherokee Nation ever since her return with her husband in 1892 and that during all the time they lived in Kansas she maintained property interests in the Cherokee Nation and made frequent visits thereto, and that four of her five children were born in the Cherokee Nation. For the further consideration of this case she will now be listed on a doubtful card and the decision of the Commission will be mailed to her at her post-office address. She is desired to supply the Commission with a copy of the certificate of re-admission if such action was ever taken. She is desired to supply the Commission with a copy of the certificate of re-admission if such action was ever taken.

1870

Received of the Treasurer of the State of New York the sum of \$1000.00 for the year 1870

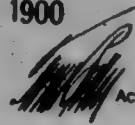
Chambers

Witness my hand and seal at Albany this 1st day of January 1870

[Signature]

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

FILED
NOV 8 1900


ACTING CHAIRMAN

②

8769

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV. 8 1900 1900.

Name Clarence D.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen None

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Mary A Payne

District COOWEESCOOWEE Year 1896 Page 233 No. 3801

Citizen by blood Yes Mother's citizenship John Nave - c - d

Intermarried citizen No Rachel " - c - d

Married under what law _____ Date of marriage 1863

License _____ Certificate _____

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

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Dist. _____ Year _____ Page _____ No. _____ Age _____

Art. of Admission to citizenship to be supplied.

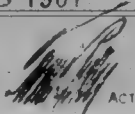
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2769

DEPARTMENT OF INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 23 1901



ACT

COMMISSIONERS

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita 23 Oct 23 1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of

Ammy R Payne for enrollment as
citizens of the Cherokee Nation.

No. 60769

A. P. Canine
Agent for applicant

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C., February 20, 1912.

Supplemental Form No. 1, Application for the matter of the
application of Mary A. Payne and children for enrollment as Cherokee citizens.

Appearances:

J. M. Sequoia, Agent for applicants, Cherokee, I. T.
W. W. Hastings, Agent for the Cherokee Nation.

BY MR. SEQUOIA: The agent for the applicant calls attention
of the Commission to the records of the Cherokee National
Council, (reads:

House met, to adjournment. Speaker Jones in the
Chair. Quorum present. On motion of Mr. Jordan Committee
report on Mary A. Payne and children's petition for re-ad-
mission to citizenship was read. Council Bill No. 17, 'An Act to
re-admit Mary A. Payne and children to Citizenship' was reported
by the Committee. On motion of Mr. Woodall Council Bill No. 17
was placed on its first reading. On motion of Mr. Dobson
Council Bill No. 17 was placed on its second reading. On Mo-
tion of Mr. Dobson Council Bill No. 17 was placed on its pas-
sage. Vote taken, Bill passed, and sent to the Senate.
Executive Department,
Cherokee Nat. N.,
Tahlequah, I. T.

I hereby certify that the above and foregoing is a true
and correct copy of the records of the Council Journal as found
on page 34 and 35, so far as the same relates to the parties
therein named. Said record having been left in my custody
by the Clerk of Council.

"R"

Cherokee D 769.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Mary A. Payne for enrollment as a Cherokee citizen.

Appearances:

Je.R.Sequichie, agent for applicants, Chelsea, I. T.
W.W.Hastings, attorney for the Cherokee Nation.

BY MR. SEQUICHIE: The agent for the applicant calls attention of the Commission to the records of the Cherokee National Council, (reads:

"House met, ~~to~~ adjournment. Speaker Jones in the Chair. Quorum present. On motion of Mr. Jordan Committee report on Mary A. Payne and childrens' petition for re-admission to citizenship was read, Council Bill No.17, 'An Act to re-admit MaryAPayne and children to Citizenship' was reported by the Committee. On motion of Mr. Woodall Council Bill No.17 was ~~to~~ placed on its first reading. On motion of Mr. Debsen Council Bill No.17 was placed on its second reading. On Motion of Mr. Debsen Council Bill No.17 was placed on its passage. Vote taken, Bill passed, and sent to the Senate.

Executive Department,
Cherokee Nation,
Tahlequah, Indian Territory,

December 12, 1900:

I hereby certify that the above and foregoing is a true and correct copy of the record of the Council Journal as found on page 34 and 35, so far as the same relates to the parties therein named. Said record having been left in my custody by the Clerk of Council.

J.T.Parks,
Executive Secretary."

BY MR. HASTINGS: Representatives of the Cherokee Nation call attention to the fact that this certificate does not purport to have ~~been~~ passed by the Senatebranch of the National Council of the Cherokee Nation, or to have been approved by the Principal Chief, and was therefore never a law.

BY MR. SEQUICHIE: We submit this case to the Commission for final consideration.

BY MR. HASTINGS: Cherokee Nation submits it.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.

[Signature]

Commissioner.

09169

FILED
JUN 12 1902

~~RECEIVED~~

Executive Department, Cherokee Nation,
Tahlequah Indian Territory.

I, do hereby certify that I have carefully searched and examined the record of the laws enacted by the National Council in the year 1893 and the said record and laws fail to disclose the fact that Mary A. Payne and children were readmitted to citizenship in the Cherokee Nation; I further certify that the laws of the National Council are on file in this office and that I am in the legal custody of the same.

Given from under my hand and seal of office
on this the 10th., day of June 1902.

J. J. Parks.
Executive Secretary.

Q. How long have you known the applicant in this case, Mary A. Payne? A. I have known her since 1896.

Q. Then you don't know anything about the application which she made in Tahlequah for admission to citizenship? A. No, sir.

Q. Did you ever know her prior to 1896? A. No, sir.

Hand

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr
Stenographer

FF

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 22nd, 1904.

In the matter of the application of Mary A. Payne for the enrollment of herself as a citizen by blood of the Cherokee nation.

Supplemental to D-769.

Appearances:

Applicant appears in person.
Cherokee Nation by W. W. Hastings.

MARY A. PAYNE, being duly sworn, testified as follows:--
Examination by the Commission.

- Q. What is your name? A. Mary Payne.
Q. What is your post office address? A. Claremore.
Q. Where were you born, Mrs. Payne? A. Born in Tahlequah district.
Q. How long did you continue to reside in the nation after your birth? A. I lived here all my life in the nation until seventy-seven.
Q. Where did you go in 1877? A. Went to Kansas.
Q. How long did you remain there? A. I remained there until 1893. I think it was 1893. '93 or '92.
Q. Did you return to the Cherokee nation at that time? 1892 or 1893? A. Yes, sir.
Q. After you returned did you make application to the national council or the commission on citizenship for admission to citizenship? A. Yes, sir.
Q. Did you apply to the council? A. Yes, sir; the council at Tahlequah.
Q. What action was taken by the council as regards your application? A. Well, I went before the council, I and my son, for citizenship, to be readmitted. They didn't give me no certificate. I went down there to be admitted, I and my son. Of course we were on expense there and wanted to go back home. We was there two days before they got to us. I had witnesses there with us, John Robinson and John Payne was my brothers in law, to prove who I was. When the council got through they said you are all right. You can go back now. I didn't think to ask for a certificate. It was on record. I didn't think anything about it until I went before the Commission.
Q. What is the name of your son? A. James M. Payne.
Q. Is he living now? A. Yes, sir; he is my oldest son.
Q. Was this application made to the council in your own name or in the name of some other person? A. I made the application in my own name for me and my children.
Q. Was anybody outside of your own family embraced in that application? A. No, sir.
Q. Have you resided here continuously since 1892? A. Yes, sir.

Examination by Mr. Hastings.

- Q. Mrs. Payne, was it some of the members of the committee that gave you this information? A. Sir?
Q. Was it some of the members of the committee, citizenship committee, that gave you this information? A. Which information?
Q. About your being admitted, or being all right? A. Why, yes, sir; it was the council.
Q. Well, it was some of the members of the council? A. Yes, sir.
Q. I suppose you went before a committee? A. Yes, sir; went before a committee.
Q. Was it some of the members of that committee that gave you that information? A. Yes, sir. I can tell you who it was. It was the

chairman, Old preacher Dobson. He says, Mrs. Payne, you are all right. If you want to you can go home, you are all right. She says if you want to you can go home. This is all right. I didn't ask for a certificate. I didn't think nothing about it. He told me to go home and rest easy.

Q. The council was in session when you went there? A. The council was in session when I went there.

Q. It remained in session when you were there. A. Yes, sir.

Q. It was still in session when you left? A. Yes, sir, still in session when I left.

Q. So far as you know there was no bill passed by the session of the council and signed by the chief at that time. A. No, sir; I don't know anything further than that.

Examination by the Commission.

Q. Did you draw the strip money in 1894? A. Yes, sir.

Q. Is that the only time you drew money? A. No, sir. I never drew but once before that. You remember when it was. It was in seventy something, though.

Q. Before you went to Kansas? A. Before I went to Kansas. It was ten--

By Mr. Hastings: Seventy-five?

A. \$10.75. Then I drew my old settlers' money, and the strip money after I come back.

L. A. CAMPBELL, being duly sworn, testified as follows:--

Examination by the Commission.

Q. What is your name? A. L. A. Campbell.

Q. How old are you? A. 45.

Q. What is your post office address? A. Glencore.

Q. Are you acquainted with the applicant in this case, Mary A. Payne? A. Yes, sir.

Q. How long have you known her? A. All her life.

Q. Where was she born? A. She was born in Tahlequah district.

Q. Do you remember when she removed to Kansas--when she went to Kansas? A. I don't remember the year but I know the time she went.

Q. Do you remember when she came home? A. Yes, sir, she come in 1893 I think.

Q. Had she ever been recognized as a citizen before she went away? A. Yes, sir.

Q. Has she been living here continuously since she returned? A. Yes, sir.

Q. Do you know anything about her admission to citizenship in the Cherokee nation? A. No, sir; I don't know anything about that. I know she went before the council.

Q. You don't know what action was taken? A. No, sir.

JOSHUA NESS, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Joshua Ness.

Q. What is your age? A. 69.

Q. What is your post office address? A. Muskogee.

Q. Are you acquainted with the applicant in this case, Mary A. Payne? A. I am.

Q. How long have you known her? A. I have known her about 50 years or more.

Q. Do you know anything about the application which she made to the national council of the Cherokee nation for admission to citizenship? A. I don't know anything about that. I know she was born and raised as a Cherokee Indian in the Cherokee nation.

Q. Have you known her continuously? A. No, I haven't seen her since 1872.

Q. Until to-day? A. Yes, sir.

Q. Did you know her from the time of her birth until that time? A. Yes, sir.

- Q. Where was she born? A. Near in Tahlequah near Park Hill.
 Q. Were her father and mother both Cherokee? A. Yes, sir.
 Q. Recognized as such? A. Yes, sir; always lived in the nation.
 Her mother was an old settler.
 Q. Did the applicant herself live here until 1878? A. No, I
 think when the war broke out they went south, and they came back
 and went in Cassiata district.

WILL CRITCHFIELD, being duly sworn, testified as follows:
 Examination by the Commission.

- Q. What is your name? A. Will Critchfield.
 Q. What is your age? A. 38.
 Q. What is your post office address? A. Clarendon.
 Q. How long have you known the applicant in this case, Mary A.
 Payne? A. I have known her since 1898.
 Q. Then you don't know anything about the application which she
 made in Tahlequah for admission to citizenship? A. No, sir.
 Q. Did you ever know her prior to 1898? A. No, sir.

James O. Carr, being first duly sworn, states that as stenographer
 to the Commission to the Five Civilized Tribes he correctly recorded
 the testimony and proceedings in this case and that the foregoing is
 a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of July, 1902.

James O. Carr
J. R. Kenter
JR

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

In the matter of the application for the enrollment of Mary A. Payne et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Mary A. Payne,	Cherokee D-769,
Johnsana D. McKelvey et al.,	D-906,
Silas D. Payne,	D-907.

D E C I S I O N .

♦♦♦♦♦

The record in these cases shows that the following applicants appeared before the Commission at the places hereinafter designated and made personal application for enrollment as citizens by blood of the Cherokee Nation:

On November 8, 1900, Mary A. Payne appeared before the Commission at Claremore, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 20, 1902, and on July 22, 1902.

On December 6, 1900, Johnsana D. McKelvey appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself and her minor children, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902.

On December 6, 1900, Silas D. Payne appeared before the Commission at Tahlequah, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 9, 1901, and at Muskogee, Indian Territory, on March 12, 1902.

The evidence shows that Mary A. Payne, Johnsana D. McKelvey and Lewis C. Perkey are identified as native Cherokees on the 1894 and 1896 rolls of the Cherokee Nation. Effie Perkey and Silas D. Payne are identified as native Cherokees on the Cherokee roll of 1896. Johnsana D. McKelvey, formerly Perkey, nee Payne, and Silas D. Payne are the children of Mary A. Payne. Lewis C. Perkey, Effie Perkey and Edna A. McKelvey are the children of Johnsana D. McKelvey. Edna A. McKelvey is too young to appear upon any of the tribal rolls, but is duly identified by a birth affidavit made a part of the record herein.

It further appears that Mary A. Payne, Johnsana D. McKelvey formerly Perkey, nee Payne, and Silas D. Payne were born in the Cherokee Nation and resided therein continuously until 1878, when they removed to the State of Kansas and remained there until 1892, when they returned to the Cherokee Nation. The evidence further shows that the said Mary A. Payne, Johnsana D. McKelvey, formerly Perkey, nee Payne, and Silas D. Payne have resided in the Cherokee Nation all their lives, except during the said period spent in Kansas. Said minor children of Johnsana D. McKelvey, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey, were born in, and have resided all their lives in the Cherokee Nation. All of the applicants herein were residents of said nation on the date of this application.

Article eleven of the agreement concluded between the United States and the Cherokee Nation, at Tahlequah, Indian Territory, on December 19, 1891, approved by the Principal Chief on January 4, 1892, and ratified by an Act of Congress approved March 3, 1893 (27 Stats., 612-641), provides as follows:

"For and in consideration of the above cession and relinquishment, the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employ of the Cherokee Nation or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or Acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section six of the treaty of 1835; and sections twenty-six and twenty-seven of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation."

Upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the Principal Chief, pursuant to said agreement, which lists bear date of 1893, and are now in the possession of the Commission, it appears that the names of none of said applicants are found thereon. On the contrary, it appears that the applicants, with the exception of Effie Perkey and Edna A. McKelvey, have been identified on every tribal roll of said nation made since their return from Kansas. The said Effie Perkey was born subsequent to the taking of the 1894 roll, but is identified on the Cherokee roll of 1896. Edna A. McKelvey was born subsequent to the taking of the 1896 roll, but is identified by birth affidavit.

It is, therefore, the opinion of this Commission that Mary A. Payne, Johnana D. McKelvey, Lewis G. Perkey, Effie Perkey, Edna A. McKelvey and Silas D. Payne should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Yans Bixby
Chairman.

(signed) T. B. Needles
Commissioner.

(signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this Mar - 2 1903

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Vinita I. T. March 21, 1903.

In the matter of the application of Mary A Payne et al for enrollment as citizens of the Cherokee Nation consolidating the applications of

Mary A Payne Cherokee D 769

John Sana D McKelvey et al Cherokee D 906

Silas D Payne Cherokee D 907.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the Decision of the Commission rendered in the above cases on March 2 1903 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The Commission admits these people solely upon the theory that because their names do not appear upon the list of intruders furnished by the Principal Chief in accordance with Article two of the Cherokee Agreement approved March 3 1893 that they are therefore entitled to be enrolled as citizens of the Cherokee Nation.

The Commissioner of Indian Affairs in the case of Joseph B Ladd et al Cherokee D 470 in very strong language states that this is no evidence to entitle one to citizenship in the Cherokee nation and his views were concurred in by the Secretary of the Interior in the same case, to which reference is made.

The evidence in this case tends to show that the principal applicant Mary A Payne left the Cherokee Nation about 1878; she was a married woman and she and her husband removed to the state of Kansas where they continued to reside until after her husband's death in 1892 or 1893; they maintained a home in Kansas where all but one of their children were born, some of whom yet reside in Kansas. This family recognized that they had forfeited their citizenship in the Cherokee nation because upon their return they memorialized the National Council to be readmitted to citizenship in the Cherokee Nation.. The testimony shows that a bill readmitting

the family passed the lower house of the National Council after same had been favorably recommended by a committee but there is no evidence that it passed the senate of the Cherokee Nation or was approved by the principal Chief hence it never became a law or an act of the National Council and they therefore were never readmitted to citizenship in the Cherokee Nation.

The Cherokee Nation contends that they were citizens of the Cherokee nation in 1878 that under the evidence they lost their citizenship by their removal to and continuous residence in the State of Kansas for a period of at least fourteen years..

The Cherokee Constitution provides, Article one section two, that "Whenever any citizen shall remove with his effects from the limits of this nation and becomes a citizen of any other Government all his rights and privileges as a citizen of this nation shall cease; provided nevertheless that the National Council shall have power to readmit by law to all the rights of citizenship any such person or persons who may ~~and~~ at any time desire to return to the Nation on memorializing the National Council for such readmission."

The applicants left the Cherokee nation; They resided for a period of fourteen years in the state of Kansas, where they owned a home, and where all but one of their children were born and upon their return to the Cherokee nation in 1892 or 1893 they realized that it was necessary to "Memorialize" the national Council for "readmission" and had a bill introduced into the Lower Branch of the National Council to readmit them in accordance with the above provision of the Constitution. They, by this act admitted that they violated the terms of this provision of the Cherokee Constitution; they admit that they forfeited their citizenship; they admit that it was necessary to be readmitted to citizenship and this is an admission that unless they were readmitted in accordance with the Constitution and laws of the Cherokee nation that if their names were placed upon any roll they would be placed there "Without authority of law."

The Cherokee nation contends that the names of these applicants were placed upon the 1894 and 1898 rolls "Without authority of law because they could not be legally placed thereon without their first having been readmitted.

Respectfully,

W. W. Haskins
Attorney for the Cherokee Nation.

0270

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 25 1902

[Handwritten signature]

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

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

ALLISON L. AVLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 18, 1902.

Mrs. Mary A. Payne

Claremore, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the eighth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of readmission.

Yours truly,

Copy to P. Sequishie,
Claremore, I.T.
Cherokee D-769
Register.

ALLISON L. AVLESWORTH
Acting Chairman.
Commissioner in Charge.

Muskogee, Indian Territory, July 9, 1902.

J. H. Sequichie, Esq.,

Agent for Mrs. Mary A. Payne,
Chalco, Indian Territory.

Sir:

Mrs. Mary A. Payne has been notified to appear before this Commission at its office in Muskogee, Indian Territory, on or before July 24, 1902, and submit further evidence regarding her citizenship in the Cherokee Nation. There is on file in the office of this Commission a certificate of the Executive Secretary of the Cherokee Nation that he cannot find in the records in his possession that Mary A. Payne and children were re-admitted to citizenship by the National Council of the Cherokee Nation in the year 1893. If a certificate of re-admission cannot be produced it will be necessary to submit evidence showing that Mrs. Payne is a recognized citizen of the Cherokee Nation.

Yours truly,

Acting Chairman.

Cherokee D 749
Register.

Cherokee 2 40

Muskogee, Indian Territory, July 9, 1902.

Mrs. Mary A. Payne,
 Claremore, Indian Territory.

Madam:

You are required to appear before this Commission at its office in Muskogee, Indian Territory, on or before July 24, 1902, and submit further evidence regarding your citizenship in the Cherokee Nation.

If you cannot produce your certificate of admission to citizenship it will be necessary for you to produce witnesses to show that you are a recognized citizen of the Cherokee Nation.

Yours truly,

Acting Chairman.

Registrar.

COPY.

Cherokee
D-769, D-906, D-907.

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Mary A. Payne for the enrollment of herself as a citizen by blood; the application of Johnsona D. McKelvey for the enrollment of herself and her minor children, Lewis C. and Effie Perkey and Edna A. McKelvey, as citizens by blood; and the application of Silas D. Payne for the enrollment of himself as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Dixey.

Chairman.

Enc. No. 421

007

Cherokee D-
769,906 & 907.

Muskogee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary A. Payne et al., together with the Commission's decision, dated March 2, 1903, granting the application for the enrollment of Mary A. Payne, Johnna D. McKelvey, Lewis C. and Effie Perkey, Edna A. McKelvey and Silas D. Payne as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tame Bixby.

Chairman.

Enc. M-125

Through the

Commissioner of Indian Affairs.

COPY:

Cherokee D-
769, 906 & 907.

Muskegee, Indian Territory, May 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been forwarded to the Secretary of the Interior, for review, the record of proceedings had in the consolidated case of Mary A. Payne et al., together with the Commission's decision, dated March 2, 1903, granting the application for the enrollment of Mary A. Payne, Johnama D. McKelvey, Lewis C. and Effie Perkey, Edna A. McKelvey and Silas D. Payne as citizens by blood of the Cherokee Nation, and the protest of the Cherokee Nation against said decision, dated March 21, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tamm Birby.
Chairman.

Muskogee, Indian Territory, May 4, 1903.

Silas D. Payne,
Hudson, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting, among others, your application for enrollment as a citizen by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, A. M. Callaway, Claremore, I.T., a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,
James D. Boyd

Muskogee, Indian Territory, May 4, 1903.

Mary A. Payne,
Claremore, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

There has heretofore been furnished your agent, J. R. Sequichie, Chelsea, I.T., a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. J. [Signature]

Enc. N-100
Register.

Chairman.

Refer in reply to
the following:
Land,
29224-1903.

Copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated May 4, 1903, transmitting the record relative to the application of Mary A. Payne, et al., for enrollment as citizens of the Cherokee Nation. Mary A. Payne applies for enrollment as a citizen by blood. Johnson D. McKelvey applies for the enrollment of herself and her minor children, Lewis C. and Effie Perkey, and Nina A. McKelvey. Silas D. Payne applies for enrollment as a citizen by blood.

March 2, 1903, the Commission held that the applicants were entitled to enrollment. The Cherokee Nation by its attorney protests against the Commission's decision.

The record in the case shows that Mary A. Payne, Johnson D. McKelvey and Lewis C. Perkey are identified by the 1896 and 1898 rolls; that Effie Perkey and Silas D. Perkey are identified by the 1896 roll. Johnson D. McKelvey and Silas D. Payne are the children

of Mary A. Payne, Lewis C. and Effie Perkey and Miss A. McKelvey are the children of Johnson D. McKelvey. Miss A. McKelvey is identified by a birth affidavit. Mary A. Payne, Johnson D. McKelvey and Silas D. Payne were born in the Cherokee Nation and resided there until 1878, when they removed to Kansas, where they stayed until 1892, when they returned to the Cherokee Nation. The record shows that these three applicants have resided in the Cherokee Nation all their lives, except during the time they were in Kansas, which was from 1878 to 1892. The minor applicants were born in the nation, and have resided there since their birth.

The Commission quotes Article 11 of the Agreement between the United States and the Cherokee Nation approved by act of Congress, March 3, 1893 (27 Stats. 612) in relation to the removal of intruders from the limits of the Cherokee Nation, and says that an examination of the lists of intruders furnished by the Principal Chief does not contain the names of any of these applicants, and that with the exception of Effie Perkey and Miss A. McKelvey the names of the applicants are on every roll made by the tribe since the applicants returned from Kansas.

From the record it appears that the applicants are entitled to enrollment, and the approval of the Commission's decision is recommended.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

D C 2822-1904

(COPY)

J.P.

ID 7722-1904

DEPARTMENT OF THE INTERIOR.

W.H.

WASHINGTON.

March 10, 1904.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 29, 1903, the Commissioner of Indian Affairs transmitted the papers received with your letter of May 4, 1903, in the case involving the application of Mary A. Payne, Jehnsana D. McKelvey, Lewis C. Perkey, Effie Perkey, Mina A. McKelvey and Silas D. Payne, for enrollment as citizens of the Cherokee Nation by blood, and recommended that your decision in favor of the applicants be affirmed.

It appears that Mary A. Payne is a Cherokee by blood and the mother of Jehnsana D. McKelvey and Silas D. Payne. Lewis C. Perkey, Effie Perkey and Mina A. McKelvey are the children of Jehnsana D. McKelvey.

All of the applicants are identified on the 1896 roll except Mina A. McKelvey, who is too young to be upon any Cherokee roll.

Mary A. Payne, Jehnsana D. McKelvey and Silas D. Payne were born in the Cherokee Nation and remained there continuously until 1872 when they removed to Kansas and remained there until 1892 when they returned to the Cherokee Nation.

There is nothing to show that the applicants who moved to Kansas ever exercised or claimed the right to citizenship in that state.

Said minor children, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey were born in and have always resided in the Cherokee Nation.

You stated in your decision of March 2, 1903, that upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the Principal Chief, pursuant to the agreement between the United States and the Cherokee Nation approved by the act of March 3, 1893 (27 Stats., 613-641), it appears that the names of none of said applicants are found thereon; that on the contrary it appears that the applicants, with the exception of Effie Perkey and Edna A. McKelvey, have been identified on every roll made since their return from Kansas.

The Nation, by its attorney, protests against your decision, contending that as the evidence shows that Mary A. Payne left the Cherokee Nation in 1878 and went with her husband to the State of Kansas where they continued to reside until after her husband's death in 1892 or 1893, and maintained a home in Kansas where all but one of her children were born, they lost their citizenship in the Cherokee Nation under the constitution of said Nation; that as they were not readmitted to citizenship in accordance with the constitution and laws of the Cherokee Nation, their names must have been placed upon the rolls without authority of law.

Following various decisions of the Department, mostly rendered

-3-

Since your decision in this case, the Applicants are entitled to enrollment unless some objection appears not known to the Department. See decisions of March 17, 1903, in the C. G. Clarke case; of January 24, 1903, in the Milan C. Smith case; of June 10, 1903, in the case of Martha Hill, et al., and of June 12, 1903, in the case of James W. Shirley, et al.

The Department therefore affirms your decision.

A copy of the Commissioner's report of October 29, 1903, is

inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 Inclosure.

Cherokee D 906,
D 907 and D 700

Hastings, Indian Territory, March 25, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting the applications for the enrollment of Mary A. Payne, Silas B. Payne, Johannas B. McKelvey, Mina A. McKelvey and Effie Perkey, and dismissing the application for the enrollment of Lewis C. Perkey, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 700 &
D 906

Muskogee, Indian Territory, March 25, 1904.

J. R. Sequichie,
Agent for Mary A. Payne, et al.,
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting, among others, the applications for the enrollment of Mary A. Payne, Johnna D. and Mina A. McKelvey, and Effie Perkey, and dismissing the application for the enrollment of Lewis C. Perkey, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee B 769

Muskogee, Indian Territory, March 23, 1904.

Mary A. Payne,
Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 2, 1903, granting, among others, your application for enrollment as a citizen by blood of the Cherokee Nation was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cher 10393

Silas D. Payne

Trans. from D907

Cher 10393

Subscribed and sworn to before me this 1st day of January, 1900.

JOHN J. FIORI

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLEGUAH, I. T., DECEMBER 6th, 1900.

IN THE MATTER OF THE APPLICATION OF Silas D. Payne for the enrollment of himself, wife and child as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Brockinridge, testified as follows:

- Q Give me your full name? A Silas D. Payne.
Q How old are you? A I am thirty.
Q What is your Postoffice? A Hudson.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll, yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A One.
Q Are you a Cherokee by blood? A Yes sir.
Q ~~How~~ Is your wife a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life?
A No sir.
Q How long? A I was born and raised here until I was seven years old I think; then moved to Kansas and lived there until 1892: I was born in 1870.
Q And then did you come back here? A Yes sir.
Q Have you been here ever since? A Yes sir.
Q Give me the name of your father? A William P. Payne.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Mary Alime Payne.
Q Is she dead? A ~~Yes sir.~~ No sir.
Q How long since your father died? A He died in September '93.
Q Where did he die? A In Talleguah.
Q Did he go to Kansas? A Yes sir.
Q Took you up there? A Yes sir.
Q Came back in 1892? A Yes sir.
Q And brought you? A Yes sir.
Q Did he live all his life in the Cherokee Nation until he went to Kansas? A Yes sir, born and raised here.
Q Was he a Cherokee or white man? A Cherokee.
Q What is your mother? A Cherokee.
Q Did she live with your father until he died? A Yes sir.
Q What was your father doing in Kansas? A Black and th.
Q Did he go there for the purpose of making his home?
A I can not tell you what he went for: We were all small when he went there.
Q Did he send you to school? A Yes sir.
Q How old was the youngest one when you came back? A The youngest when we came back was about fourteen.
Q Give me the name of your wife? A Essie D.
Q How old is she? A She is twenty two.
Q When did you marry her? A I married her in May, 1895.
Q Have you a certificate of marriage? A No sir.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q You married her here in the Cherokee Nation? A Yes sir.
Q Give me the name of her father? A Ed B. Starr.
Q Is he living? A No sir.
Q Give me the name of her mother? A Rachel P. Starr.
Q Is she living? A Yes sir.
Q Give me the name of your child? A Silas Barret Payne.
Q How old is that child? A A little over a year old now. Will be two years old in January.

By Mr. W. E. Sanderson, Cherokee Representative:

- Q You went to Kansas about 1879, did you not? A About 1877 or 1880, I do not remember which.

Com'r. C. R. Brockinridge:

- Q Was your father readmitted to citizenship when he came back?
A No sir, he went before the Council in 1883, but he never got any papers.

- Q Did you ever apply to the Dawes Commission for admission?
A No sir.
Q Did your father have any interests back here when he was in Kansas? A He still had a farm at Illinois.
Q Do you still own this farm? A No sir; my uncle sold that while we were gone.
Q And when you came back, you took up new farms, did you?
A Yes sir.
Q Neither you, nor your father nor mother are on the roll of 1897?
A No sir.
Q You were not here? A No sir.

(1896 Roll, Page 233, #3807, Silas D. Payne, Cooweescoowee District)

(1890 Roll, Page 180, #2764, Delila Starr, Cooweescoowee D'st)

(1896 Roll, Page 228, #3643, Delilah Payne, Cooweescoowee D'st)

- Q Did you not get a certificate of marriage? A No sir. Under the Cherokee laws two Cherokee citizens did not have to have a certificate: We had witnesses and everything.
Q Is there any one here who knows you were married?
A Yes sir, my mother.

Mary A. Payne, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q Give me your full name? A Mary A. Payne.
Q How old are you? A Fifty two.
Q What is your Postoffice? A Claremore.
Q Are you the mother of the applicant here? A Yes sir.
Q Is this his wife sitting here? A Yes sir.
Q What is her name? A Her maiden name was Susan Starr.
Q About when were they married? A About 1895, Somewhere along there.
Q Have they lived together as man and wife ever since? A Yes sir.

AFFILIANT RECALLED:

COM'R. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and one child. He states that he lived in the Cherokee Nation until he was seven years of age, and then was taken to the State of Kansas by his father. He states that he was born in the Cherokee Nation and that he returned with his father in 1892, and has resided here ever since: The dates given by him would take him and the family out of the Cherokee Nation prior to the making of the roll of 1890, and none of them are found on that roll. He states that his father applied to the Cherokee Council or Commission for readmission, but that so far as he knows, no action was ever taken upon their papers. He is identified on the roll of 1896 as a native. It appears that he returned to the Cherokee Nation with his father and the family very soon after he had reached his majority. For the further consideration of his rights; especially as to whether he delay outside of the Cherokee Nation was sufficiently long to forfeit whatever rights he may have enjoyed as a minor, he will now be listed for enrollment as a Cherokee by blood upon a doubtful card.

His wife is identified on the rolls of 1890 and 1896, as a native Cherokee: She has lived in the Cherokee Nation all her life: Her change of name arising from marriage is established by the testimony of the applicant and his mother, and she will now be listed for enrollment as a Cherokee by blood.

When a certificate of birth of the child, Silas B. Payne, is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood.

R. R. Graven, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

R. R. Graven

Subscribed and sworn to before me this 7th day of December, 1900.

C. M. ...

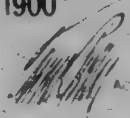
COMMISSIONER.

12907

Department of the Interior
Bureau of Indian Affairs
Washington, D.C.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
INDIAN TRIBES

FILED
DEC 6 1900



ACTING CHAIRMAN

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CHEROKEES BY BLOOD AND ADOPTION.

DEC - 6 1900

1900.

1000
 Name *James H. Payne, Husband, S. D.* Date _____
 District *1000* Year *1896* Page *233* No. *3807*
 Citizen by blood *Yes* Mother's citizenship *John. J. Payne d-c*
 Intermarried citizen *No* *Mary A. Payne d-c*
 Married under what law *Common Law* Date of marriage *May 1895*
 License _____ Certificate _____

Wife's name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

Names of Children:

Names of Children:	Dist.	Year	Page	No.	Age

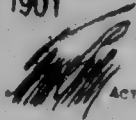
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 10 1901



ACTING CHAIRMAN

House met pursuant to adjournement. Speaker Jones in the chair.
Roll called. Quorum present.

#

On motion of Mr. Jordan Committee report on Mary A. Payne and children's
petition for re-admission to citizenship was read.

#

Council Bill No. 17, An Act to readmit Mary A. Payne and children to
citizenship was reported by the committee.

On motion of Mr. Woodall Council Bill No. 17 was placed on its first
reading.

On motion of Mr. Dobson Council Bill No. 17 was placed on its second
reading.

On motion of Mr. Dobson Council Bill No. 17 was placed on its
passage. Vote taken and Bill passed and sent to the Senate.

Executive Department, Cherokee Nation.

Tahlequah, Indian Territory

Dec. 12, 1900

I hereby certify that the above and foregoing is a true and correct
copy of the record of the Council Journal as found on pages 34 and
35, so far as the same relates to the parties therein named, said
record having been left in my custody by the Clerk of Council.

J. T. Parks
Executive Secretary

D

2907

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
F. I. B. D.
SEP 10 1901

~~Handwritten signature~~

ACTING CHAIRMAN

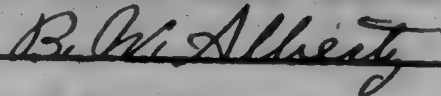
~~Handwritten signature~~

Executive Office Cherokee Nation,

Tahlequah, I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the name of William Payne, appears, on the Old Settler Cherokee rolls taken in 1851, page 19, Golng Snake District, and that the name of Alice Nave appears on page 51 of said roll, for Tahlequah District, as is shown from atested copy of said roll now in this office.

Given under my hand and the seal of the Cherokee Nation this the 8th day of December 1900.



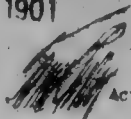
Assistant Executive secretary,
Cherokee Nation.

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

FILED
SEP 10 1901



ACTING CHAIRMAN

Vertical text on the right edge, possibly a stamp or reference number, including the word "FILED".

Executive Office Cherokee Nation,

Tahlequah I. T.

I, B. W. Alberty, assistant Executive secretary
of the Cherokee Nation, do hereby certify that the names:

W.P. Payne,

M.A.

susan

J.M.

Elias B.

^h
Joanna

Lewis A. are to be found on the the receipt

Roll made in the payment of percapita money under the provisions of
act of the National Council dated November 19th 1874, and said roll
shows that the said W.P. Payne received at the said payment, percapita
for all the above, to the amount of \$74.20; that said roll has been filed
in this office and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the
8th day of December 1900.

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation.

copy of

evidence I would have; that is what I want to find out.

Bruce C. Jones being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of September, 1901.

M. D. [Signature]
Notary Public.

SEP 11 1901
RECEIVED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Department of the Interior,
Commission to the Five Civilized Tribes,
Port Gibson, I.T., September 9, 1901.

In the matter of the application of Silas B. Payne for enrollment as a Cherokee by blood.

Supplemental testimony behalf of applicant.

Appearances:

Applicant present in person;
J. L. Baugh, Cherokee Representative.

Silas D. Payne, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Silas D. Payne.

Q What is your postoffice address? A Kennison.

Q How old are you? A 51 years old.

Q You were an applicant before this Commission on the 6th day of December, 1900, were you? A At Tahlequah, yes, sir.

Q Did your father ever apply to the Cherokee National Council for readmission to citizenship? A I think he did.

Q What action was taken by the Council? A There was no action taken; my mother made an application the next year, my father died and there was no action taken the year he made the application.

Q What action was taken on the application made by your mother?

A Here it is right here in these papers (handing Commission papers.)

Q What was your mother's name? A Mary A. Payne.

Commission: The applicant presents a certificate from B. W. Alberty, Assistant Executive Secretary, Cherokee Nation, certifying that the name of William Payne appears on the Old Settler Cherokee rolls taken in 1861.

Q Are you the identical William Payne whose name appears upon that old settler roll? A No, sir, I am one of his boys.

Q That was your father? A Yes, sir.

Commission: This is filed herewith. Applicant also presents a certificate from B. W. Alberty, Assistant Executive Secretary, Cherokee Nation, certifying that certain names are to be found upon the receipt roll made on the payment of the per capita money under the provisions of the Act of the National Council dated November 17, 1874. Among the names mentioned appears that of W. P. Payne.

Q Is the W. P. Payne who is mentioned in this document your father?

A Yes, sir; Elias, that is my name, they just got it changed.

Q There also appears the name of one Elias B. Payne, which the applicant states is his own. How does it happen that your name appears to that certificate as Elias B. Payne? A They have just got it changed in that certificate, Mr. Alberty said he supposed it was put down when he made the roll, is all I know.

Q Did you ever have a brother named Elias? A No, sir.

Q What was your mother's name? A Mary A. Payne.

Q Did you have a sister named Susan? A Yes, sir.

Q A brother J. W. Payne? A Yes, sir.

Q And a sister named Joanna, and another brother named Elias A.?

A Yes, sir.

Commission: These documents will also be filed. The applicant also presents a certificate from J. T. Parks, Executive Secretary of the Cherokee Nation, to what purports to be a true and correct copy of the records of the National Journal as found upon pages 34 and 35, so far as the same relates to the parties mentioned therein. This document will also be filed.

Q Now is there any other document that you desire to introduce in evidence? A That is all I have here, I didn't know what other

COMMUNICATIONS SECTION
DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

... I recall ... that is what I want to file on.

... in ... that is ... in ... the ...

Thomas G. ...

... on ...

W. D. ...

VALLEY

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation could be taken up for final consideration by the Commission at its office in Muskogee, T. T., on the 18th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant has appeared at the late hour of March, 1902, appears by his attorney, W. W. Callaway.

The attorney for the applicant desires to submit the case on the evidence now on record, with permission to be allowed to file an Act of the National Council of 1896, known as the case of Elias D. Payne placed upon the rolls of the Cherokee of that year.

1902

The attorney for the applicant is the representative of the Cherokee Nation presents hereby the case, and the same is considered completed and will be referred to the Commission for final decision based upon the evidence herein presented, and for its certified copy of Act of Council of 1896.

Attendance for applicant, if same will, be granted fifteen days in which to file brief, if any, with the Commission, and the copy with the representative of the Cherokee Nation.

I, W. Hutchinson, do hereby certify that as stenographer to the

R.

C. B-907.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 12, 1908.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Silas B. Payne for the enrollment of himself as a citizen of the
Cherokee Nation.

Appearances: A

A. T. Callaway, attorney for applicant.

W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 20,
1908, that his application for the enrollment of himself as a citi-
zen of the Cherokee Nation would be taken up for final consideration
by the Commission at its offices in Muskegee, I. T., on the 12th day
of March, 1908. Receipt has been acknowledged of the Commission's
letter, and the applicant this date, to-wit: the 12th day of
March, 1908, appears by his attorney, A. T. Callaway.

The attorney for the applicant desires to submit the case on
the evidence now of record, with permission to be allowed to file
an Act of the National Council of 1896, ordering the name of Silas B.
Payne placed upon the rolls of the Cherokees of that year.

The attorney for the applicant and the representative of the
Cherokee Nation present, submit the case, and the same is considered
completed and will be reported to the Commission for final decision
based upon the evidence now of record, in addition to, certified
copy of Act of Council to be filed by attorney for applicant.

Attorney for applicant requests and will be granted fifteen
days in which to file brief, one copy with the Commission, and one
copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

Wm Hutchinson

0907

MASS. 1
FILED
JUN 3 1902

Executive Department, Cherokee Nation.
Tahlequah, Indian Territory.

I hereby certify that I have made careful search of the records in this office and am unable to find any act or law directing or authorizing the name of Silas D. Payne to be placed upon the Census Rolls of 1896; I further certify that the records of laws resolutions and ordinances of the National Council are on file in this office and I have them in my legal custody.

Given on this the 10,th. day of June
1902.

J. T. Parks,
Executive Secretary.

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

In the matter of the application for the enrollment of Mary A. Payne et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Mary A. Payne,	Cherokee D-769,
Johnsana D. McKelvey et al.,	" D-906,
Silas D. Payne,	" D-907.

D E C I S I O N .

++++

The record in these cases shows that the following applicants appeared before the Commission at the places hereinafter designated and made personal application for enrollment as citizens by blood of the Cherokee Nation:

On November 8, 1900, Mary A. Payne appeared before the Commission at Claremore, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 20, 1902, and on July 22, 1902.

On December 6, 1900, Johnsana D. McKelvey appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself and her minor children, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902.

On December 6, 1900, Silas D. Payne appeared before the Commission at Tahlequah, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 9, 1901, and at Muskogee, Indian Territory, on March 12, 1902.

The evidence shows that Mary A. Payne, Johnsana D. McKelvey and Lewis C. Perkey are identified as native Cherokees on the 1894 and 1896 rolls of the Cherokee Nation. Effie Perkey and Silas D. Payne are identified as native Cherokees on the Cherokee roll of 1896. Johnsana D. McKelvey, formerly Perkey, nee Payne, and Silas D. Payne are the children of Mary A. Payne. Lewis C. Perkey, Effie Perkey and Edna A. McKelvey are the children of Johnsana D. McKelvey. Edna A. McKelvey is too young to appear upon any of the tribal rolls, but is duly identified by a birth affidavit made a part of the record herein.

It further appears that Mary A. Payne, Johnsana D. McKelvey formerly Perkey, nee Payne, and Silas D. Payne were born in the Cherokee Nation and resided therein continuously until 1878, when they removed to the State of Kansas and remained there until 1892, when they returned to the Cherokee Nation. The evidence further shows that the said Mary A. Payne, Johnsana D. McKelvey, formerly Perkey, nee Payne, and Silas D. Payne have resided in the Cherokee Nation all their lives, except during the said period spent in Kansas. Said minor children of Johnsana D. McKelvey, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey, were born in, and have resided all their lives in the Cherokee Nation. All of the applicants herein were residents of said nation on the date of this application.

Article eleven of the agreement concluded between the United States and the Cherokee Nation, at Tablequah, Indian Territory, on December 19, 1891, approved by the Principal Chief on January 4, 1892, and ratified by an Act of Congress approved March 3, 1893 (27 Stats., 612-641), provides as follows:

"For and in consideration of the above cession and relinquishment, the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employ of the Cherokee Nation or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or Acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section six of the treaty of 1835; and sections twenty-six and twenty-seven of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation."

Upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the Principal Chief, pursuant to said agreement, which lists bear date of 1893, and are now in the possession of the Commission, it appears that the names of none of said applicants are found thereon. On the contrary, it appears that the applicants, with the exception of Effie Perkey and Edna A. McKelvey, have been identified on every tribal roll of said nation made since their return from Kansas. The said Effie Perkey was born subsequent to the taking of the 1894 roll, but is identified on the Cherokee roll of 1896. Edna A. McKelvey was born subsequent to the taking of the 1896 roll, but is identified by birth affidavit.

It is, therefore, the opinion of this Commission that Mary A. Payne, Johnana D. McKelvey, Lewis C. Perkey, Effie Perkey, Edna A. McKelvey and Silas D. Payne should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tam Bixby
Chairman.

(signed) T. B. Needles
Commissioner.

(signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this Mar -2 1903

65

0907

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 25 1902

COMMISSIONERS:
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLER,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

Muskogee, Indian Territory,

1902.

February 20,

Mr. Silas D. [redacted]

Hudson, Indian Territory,

Sir:-

You are hereby notified that the application of

yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission; in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificates of readmission to Cherokee citizenship.

Cherokee D-907
Register,

Yours truly,

Acting Chairman.

Commissioner in Charge.

Muskogee, Indian Territory, May 31, 1902.

Mr. J. T. Parks, Executive Secretary,
Tahlequah, Indian Territory.

Dear Sir:

It appears from a certificate on file with this Commission that on November 29, 1893 a bill was passed by the Lower House of the Cherokee National Council having for its object the readmission of Mary A. Payne and children to citizenship in the Cherokee Nation. It does not appear that action was had upon said bill by the Senate of the Cherokee Nation. If said bill became a law of the Cherokee Nation, please make certified copy thereof, and forward same to this Commission. If said bill did not become a law of the Cherokee Nation, please make certificate to that effect. It is desired that you search the records of your office for an act directing that the name of Silas D. Payne be placed upon the Census Roll of 1896, and if found that you transmit to the Commission a certified copy thereof and in the event that no such copy be found, please make certificate to that effect.

Yours truly,

Commissioner in Charge.

COPY.

Cherokee
D-769, D-904, D-907.

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1903, granting the application of Mary A. Payne for the enrollment of herself as a citizen by blood; the application of Johnson B. McKelvey for the enrollment of herself and her minor children, Lewis C. and Effie Purkey and Edna A. McKelvey, as citizens by blood; and the application of Silas B. Payne for the enrollment of himself as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tamm Blabin

Enc. 1-11-03

Cherokee D-
769,906 & 907.

Muskogee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary A. Payne et al., together with the Commission's decision, dated March 2, 1903, granting the application for the enrollment of Mary A. Payne, Johnna D. McKelvey, Lewis C. and Effie Perkey, Edna A. McKelvey and Silas D. Payne as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tame Dixby
Chairman.

Enc. N-185

Through the

Commissioner of Indian Affairs.

Copy

Cherokee D-
759, 906 & 907.

Muskogee, Indian Territory, May 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been forwarded to the Secretary of the Interior, for review, the record of proceedings had in the consolidated case of Mary A. Payne et al., together with the Commission's decision, dated March 2, 1903, granting the application for the enrollment of Mary A. Payne, Johnness D. McKelvey, Lewis C. and Effie Perkey, Edna A. McKelvey and Siles D. Payne as citizens by blood of the Cherokee Nation, and the protest of the Cherokee Nation against said decision, dated March 21, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,


Lewis Bixby
Chairman.

Muskogee, Indian Territory, May 4, 1903.

Joe W. LaHay,

Representing A. M. Callaway,

Attorney for Silas D. Payne,

Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed the record of supplementary proceedings had in the consolidated case of Mary A. Payne et al., together with a copy of the Commission's decision, dated March 2, 1903, granting, among others, the application of Silas D. Payne for enrollment as a citizen of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

James Diaby.

Refer in reply to
the following:
Land.
29224-1903.

Copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated May 4, 1903, transmitting the record relative to the application of Mary A. Payne, et al., for enrollment as citizens of the Cherokee Nation. Mary A. Payne applies for enrollment as a citizen by blood. Johnzana D. McKelvey applies for the enrollment of herself and her minor children, Lewis C. and Effie Perkey, and Edna A. McKelvey. Silas D. Payne applies for enrollment as a citizen by blood.

March 2, 1903, the Commission held that the applicants were entitled to enrollment. The Cherokee Nation by its attorney protests against the Commission's decision.

The record in the case shows that Mary A. Payne, Johnzana D. McKelvey and Lewis C. Perkey are identified by the 1894 and 1896 rolls; that Effie Perkey and Silas D. Perkey are identified by the 1896 roll. Johnzana D. McKelvey and Silas D. Payne are the children

of Mary A. Payne. Lewis C. and Effie Perkey and Edna A. McKelvey are the children of Johnna D. McKelvey. Edna A. McKelvey is identified by a birth affidavit. Mary A. Payne, Johnna D. McKelvey and Silas D. Payne were born in the Cherokee Nation and resided there until 1878, when they removed to Kansas, where they stayed until 1892, when they returned to the Cherokee Nation. The record shows that these three applicants have resided in the Cherokee Nation all their lives, except during the time they were in Kansas, which was from 1878 to 1892. The minor applicants were born in the nation, and have resided there since their birth.

The commission quotes Article 11 of the Agreement between the United States and the Cherokee Nation approved by act of Congress, March 3, 1893 (27 Stats. 612) in relation to the removal of intruders from the limits of the Cherokee Nation, and says that an examination of the lists of intruders furnished by the Principal Chief does not contain the names of any of these applicants, and that with the exception of Effie Perkey and Edna A. McKelvey the names of the applicants are on every roll made by the tribe since the applicants returned from Kansas.

From the record it appears that the applicants are entitled to enrollment, and the approval of the Commission's decision is recommended.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

D C 8552-1904

(COPY)

J.P.

ITD 7762-1903

DEPARTMENT OF THE INTERIOR.

WHR.

WASHINGTON.

March 10, 1904.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

October 29, 1903, the Commissioner of Indian Affairs transmitted the papers received with your letter of May 4, 1903, in the case involving the application of Mary A. Payne, Johnana D. McKelvey, Lewis C. Perkey, Effie Perkey, Edna A. McKelvey and Silas D. Payne, for enrollment as citizens of the Cherokee Nation by blood, and recommended that your decision in favor of the applicants be affirmed.

It appears that Mary A. Payne is a Cherokee by blood and the mother of Johnana D. McKelvey and Silas D. Payne. Lewis C. Perkey, Effie Perkey and Edna A. McKelvey are the children of Johnana D. McKelvey.

All of the applicants are identified on the 1896 roll except Edna A. McKelvey, who is too young to be upon any Cherokee roll.

Mary A. Payne, Johnana D. McKelvey and Silas D. Payne were born in the Cherokee Nation and remained there continuously until 1876 when they removed to Kansas and remained there until 1892 when they returned to the Cherokee Nation.

There is nothing to show that the applicants who moved to Kansas ever exercised or claimed the right to citizenship in that state.

Said minor children, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey were born in and have always resided in the Cherokee Nation.

You stated in your decision of March 2, 1903, that upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the Principal Chief, pursuant to the agreement between the United States and the Cherokee Nation approved by the act of March 3, 1893 (27 Stats., 612-641), it appears that the names of none of said applicants are found thereon; that on the contrary it appears that the applicants, with the exception of Effie Perkey and Edna A. McKelvey, have been identified on every roll made since their return from Kansas.

The Nation, by its attorney, protests against your decision, contending that as the evidence shows that Mary A. Payne left the Cherokee Nation in 1878 and went with her husband to the State of Kansas where they continued to reside until after her husband's death in 1892 or 1893, and maintained a home in Kansas where all but one of her children were born, they lost their citizenship in the Cherokee Nation under the constitution of said Nation; that as they were not readmitted to citizenship in accordance with the constitution and laws of the Cherokee Nation, their names must have been placed upon the rolls without authority of law.

Following various decisions of the Department, mostly rendered

since your decision in this case, the applicants are entitled to enrollment unless some objection appears not known to the Department. See decisions of March 17, 1903, in the C. G. Clarke case; of January 24, 1903, in the Milan C. Smith case; of June 10, 1903, in the case of Martha Hill, et al., and of June 12, 1903, in the case of James W. Shirley, et al.

The Department therefore affirms your decision.

A copy of the Commissioner's report of October 29, 1903, is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee D 906,
D 907 and D 908

Muskegee, Indian Territory, March 25, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting the applications for the enrollment of Mary A. Payne, Silas D. Payne, Johnna D. McKelvey, Mina A. McKelvey and Effie Perkey, and dismissing the application for the enrollment of Lewis C. Perkey, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee B 907

Muskogee, Indian Territory, March 25, 1904.

Joe M. LaHay,

Representing A. M. Callaway,

Attorney for Silas D. Payne,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting, among others, the application of Silas D. Payne for enrollment as a citizen by blood of the Cherokee nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 907

Muskogee, Indian Territory, March 28, 1904.

Silas D. Payne,

Hudson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

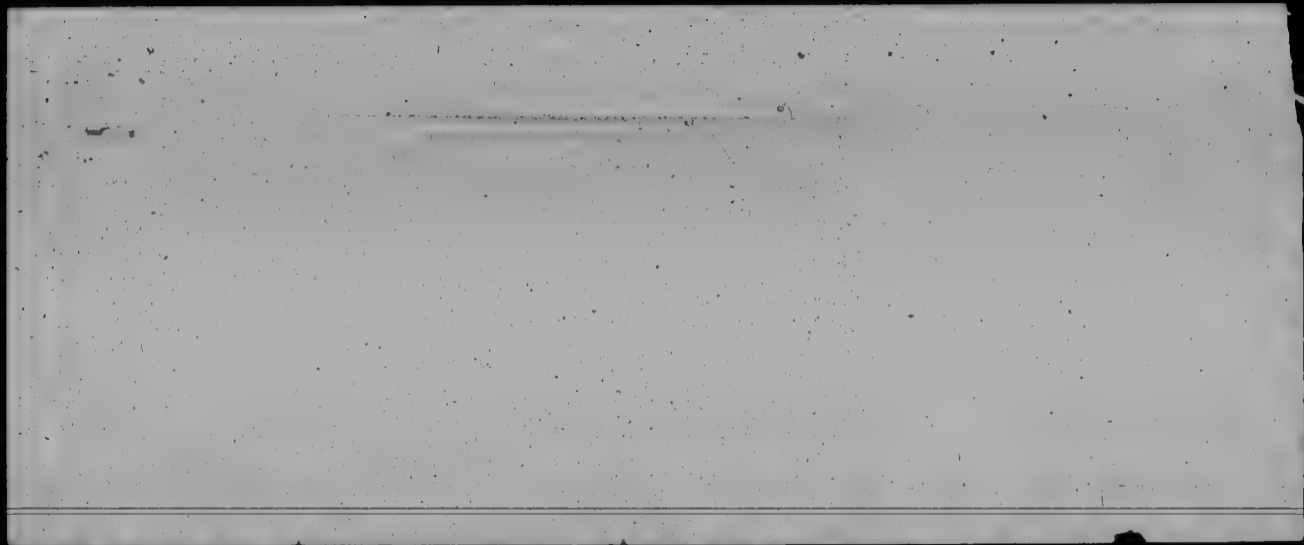
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE SEVERAL INDIAN TRIBES.

FIELD
MAR 1902

[Handwritten signature]
WILLIAM H. CHAMMAN

[Handwritten mark]

2909



Cher 10394

Napoleon B. Blythe

Trans. from D18

Cher 10394

COMMISSION TO THE UNITED STATES
DEPARTMENT OF THE INTERIOR

JUL 1900

R. R. ... being first duly sworn, states that as a photo-
grapher to the Commission to the United States, he reported
to the Commission that above and foregoing is a true, full
and correct copy of the photograph taken in said case.

Sworn to and signed at ...

COMMISSIONER.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FAIRLAND, I. T., JULY 12th, 1900.

IN THE MATTER OF THE APPLICATION OF Napoleon B. Blythe et al, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Napoleon B. Blythe.
Q What is your age? A Forty-eight years old.
Q What is your Postoffice address? A Afton.
Q Where do you live? A Delaware District.
Q How long have you lived there? A Six years.
Q Where did you live prior to that time? A In Missouri a while prior to that time, and before that time I lived in Coowessocowee District.
Q Where were you born? A In the Cherokee Nation.
Q And how long did you live there before you moved to Missouri? A I was in Coowessocowee District eight years; first lived in Tabloughah District, then moved to Coowessocowee, and was there about eight years and left here in the Spring of 1882, and I was in Missouri until the Spring of 1892., I came back to the Cherokee Nation then.
Q In 1892? A Yes sir.
Q Have you been living in the Cherokee Nation since 1892? A Yes sir.
Q Are you a Cherokee? A Yes sir.
Q You make application as a citizen by blood? A Yes sir.
Q Is your name on the Roll of 1880? A Yes sir.
Roll of 1880 examined, and on Page 75 thereof, #403, Coowessocowee District, appears the name of N. B. Blythe.
Q What District do you reside in now? A Delaware.
Q Does your name appear on the Roll of 1896? A Yes sir.
Roll of 1896 examined, and on Page 440 thereof, #294, appears the name of Napoleon B. Blythe.
Q What proportion of Cherokee blood do you claim? A About one eighth.
Q Are you married? A Yes sir.
Q Under what law did you marry? A Cherokee.
Q Is your wife a non citizen? A Yes sir.
Q Have you a marriage license and certificate with you? A No sir.
Q Is your wife living? A Yes sir.
Q Where were you living at the time of your marriage? A In Missouri.
Q Has your wife ever been enrolled on any of the authenticated rolls of the Cherokee Nation? A Yes sir, on the Roll of 1896.
Q What is her name? A Luella Blythe.
Roll of 1896 examined, and on Page 568 thereof, #25, Delaware District, appears the name of applicant's wife, as Luella Blythe.
Q When were you married? A I was married twice, first time in 1880.
Q When did you marry your present wife? A In 1887.
Q You have no certificate of marriage? A No sir, I have two witnesses here that witnessed the marriage.
Q You never had any Certificate? A No sir, never got any certificate; the clerk was busy and said you can't get a certificate at any time.
Q You had a marriage license? A Yes sir.
Q When? A In 1887.
Q Did they require a marriage license in Missouri in 1887? A Yes sir.
Q What did you pay for it? A \$2.00.
Q Do you want to introduce testimony as to your marriage? A Yes sir.

Elizabeth H Hard, being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Elizabeth Hard.
- Q How old are you? A Sixty-six coming October.
- Q Where do you reside? A In the Nation.
- Q How long have you lived in the Nation? A Four years in December.
- Q Are you a citizen of the Nation? A No sir.
- Q In what part of the Nation do you live? A Horse Creek, four miles south of Afton.
- Q Where did you come from? A Missouri.
- Q Do you know Napoleon B. Elythe? A Yes sir.
- Q How long have you known him? A For about thirty years.
- Q Do you know his wife? A Yes sir.
- Q What is her name? A Lucille Elythe.
- Q Do you know whether they were married? A Yes sir, I saw their marriage.
- Q When were they married by? A Clerk of the Court in Versailles, Missouri.
- Q How did you happen to be there? A Went right there with them.
- Q Kind of a wedding party? A Yes sir.
- Q Do you know whether they have been living together as man and wife from that time to this? A Yes sir.
- Q You have known them intimately? A Yes sir.
- Q They have lived together as man and wife and have been so recognized? A Yes sir.

John H. Bortor, being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A John H. Bortor.
- Q What is your age? A Forty four.
- Q Where do you reside? A Horse Creek, four miles south of Afton.
- Q Are you a citizen? A No sir.
- Q How long have you lived there? A Four years.
- Q Where did you come from? A Missouri.
- Q Do you know the applicant, N. B. Elythe? A Yes sir.
- Q Do you know Lucille Elythe? A Yes sir.
- Q Is she the wife of N. B. Elythe? A Yes sir.
- Q Have you known them ever since their marriage? A Yes sir.
- Q Have they been living together as man and wife? A Yes sir.
- Q And have been so recognized? A Yes sir.

Mr. Elythe recalled:

By Mr. Needles:

- Q You were living in Missouri in 1884, were you not? A Yes sir.
- Q When did you vote for the president, Cleveland or Blaine? A Blaine.
- Q You did vote in some of the elections there? A Yes sir.
- Q And resided there nearly seven years, did you not? A Yes sir.
- Q Did your voting in Missouri end married there, did you not? A Yes sir.
- Q I left here in 1887, A Yes sir.
- Q And did not return until 1897? A 1898, Spring of 1898.
- Q You were away nine years? A Yes sir.
- Q Did you vote up there, acted as a citizen of Missouri for seven or eight years? A Yes sir, I voted in one or two elections there.
- Q And you were a well known citizen in the Territory in 1884, or did you never leave at all? A I never left in 1884.
- Q You have been here ever since 1898? A Yes sir.

Q Have you any children under twenty one years of age living at home? A Yes sir.

Q Please give their names? A My eldest one is William Henry Elythe, 16 years old.

Q Is he on the 1896 Roll? A Yes sir, (1896 Roll examined, and on Page 298, #440)

Q Next one? A John Ellis Elythe.

Q How old? A Twelve years.

(1896 Roll examined, and on Page 440 thereof, #298, Delaware District, appears the name of John Ellis Elythe.)

Q Where was John Ellis Elythe born? A In Missouri.

Q Where was William H. Elythe born? A In the State of Missouri.

Q Next one? A Mary Jane Elythe.

Q How old? A Eleven years old the 9th day of August.

Q Where was she born? A In Missouri.

(Roll of 1896 examined, and on Page 440 thereof, #297, Delaware District, appears the name of Mary Jane Elythe)

Q Next one? A Farry Alpha Elythe. (Roll of 1896 examined, and on Page 440, #298, Delaware District, appears the name of Farry Alpha Elythe.)

Q Where was she born? A In Missouri.

Q Next one? A Andrew Allen Elythe.

Q How old? A Seven years old, fourth of February.

Q Where was he born? A In Missouri.

(Roll of 1896 examined, and on Page 340 thereof, #298, appears the name of Andrew Allen Elythe - as Andrew Allen Elythe)

Q Next one? A Erna Lella Elythe.

Q How old is she? A Four years old.

(Roll of 1896 examined, and on Page 440, #300, Delaware District, appears the name of Erna Lella Elythe - on the roll as Lella Elythe.)

Q Where was she born? A In the Cherokee Nation.

Q What is the next one? A Jesse Lewis?

Q How old? A 1 year old, the fourth of last March.

Q Where was he born? A In the Cherokee Nation.

Q What year did you move to Missouri in? A In the Fall of 1882, I think, if I am not mistaken.

Q Your wife is a white woman? A Yes sir.

Q When did you come back to the Territory?

A I came back in the Spring of 1882 I think it was.

Mr. Elythe, it appears from the records now in the possession of this Commission that you are enrolled on the authenticated rolls of the Cherokee Nation for the year 1880, which is conclusive proof of your citizenship up to the time of 1882; it also appears that in 1882 you removed from the Cherokee Nation to Missouri and there established a residence and became a regular citizen of the State of Missouri, and remained there until 1888; in 1888 you returned to the Cherokee Nation, and after that you were admitted as a citizen by the council, but present no proof of that effect; and it appears from your testimony that you married your wife, Lella Elythe, in the State of Missouri, while you were an actual resident of that State, and it appears that all your children mentioned above, except two, were born in Missouri after the year 1882; and that your two last named children were born in the Cherokee Nation after you over to have been readmitted as a citizen of the Cherokee Nation by the Cherokee Council; The citizenship of yourself and your wife and your two younger children depends upon the fact showing you as to whether you were actually readmitted or not. Your name, the name of your wife and the names of your children are, as cited in the evidence given by you, identified on the rolls of 1880, according to the page and number in the evidence, will be placed upon what is known as a doubtful or white card; and you will be permitted to file any other any other testimony, documents, affidavits or personal proofs as to your citizenship, with the Commission, and upon the filing of the same, your case will be taken in into consideration by the Commission, and you advised by mail of the decision as to the citizenship of yourself, wife and children.

RECEIVED
JULY 10 1897
U.S. DEPT. OF AGRICULTURE
WASHINGTON, D.C.

Very truly yours,
A. A. Cramer

A. A. Cramer

Witness my hand and the seal of the Department of Agriculture at Washington, D.C., this 10th day of July, 1897.

A. A. Cramer

SECRETARY

B

[Handwritten scribble]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 12 1900

[Faint handwritten notes]

11

CHEROKEES BY BLOOD AND ADOPTION.

Date JUL 12 1900 1900.

Name Wagoner

District ... Year ... Page ... No. ...

Citizen by blood yes Mother's citizenship ...

Intermarried citizen ...

Married under what law ... Date of marriage ...

License ... Certificate ...

Wife's name ...

District ... Year ... Page ... No. ...

Citizen by blood ... Mother's citizenship ...

Intermarried citizen ...

Married under what law ... Date of marriage ...

License ... Certificate ...

Names of Children:

Name	Dist.	Year	Page	No.	Age
<u>...</u>	<u>...</u>	<u>...</u>	<u>440</u>	<u>No. 95</u>	<u>...</u>
<u>...</u>	<u>...</u>	<u>...</u>	<u>442</u>	<u>No. 100</u>	<u>17</u>
<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>No. 107</u>	<u>11</u>
<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>	<u>No. 108</u>	<u>7</u>
<u>...</u>	<u>...</u>	<u>1896</u>	<u>Page 445</u>	<u>No. 109</u>	<u>2</u>
<u>...</u>	<u>...</u>	<u>...</u>	<u>Page 446</u>	<u>No. 300</u>	<u>4</u>
<u>...</u>	<u>...</u>	<u>...</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
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<u>...</u>	<u>...</u>	<u>...</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>

N. B. ...
Lulu ...
William ...
John ...
Man ...
Ferry ...
Erving ...
Lola ...

Board
19-18

Applicant of birth to be supplied

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 14 1900

[Handwritten signature]
ACTING CHAIRMAN

171
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 22 1900



ACTING CHAIRMAN

45-1517

Department of the Interior, RECEIVED
JUL 19 1900
Ex. No. 1 of No. 2367
Indian Territory Division.

Official of U.S. Dept

*Official of M.A.
Hleydt,
Citizenship
Shawnee Nation
and Army*

Department of the Interior.

RECEIVED

JUL 19 1900

Exc. No. 1 of No. 236

Indian Territory Division.

Affidavit of N.B.

Blythe

Citizen ship

Cherokee Nation

...

Affidavit of A.P. ...

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 31 1900

United States of America)
Indian Territory } ss.
Northern District

On this the 16th day of July
1900, personally appeared
before me Frank L. Sharp a
Notary Public within and
for the above named District
and Territory, N. B. Blythe,
and makes oath that he is
a Citizen of the Cherokee
Nation and a resident of
the Northern District, Indian
Territory, that during the year of
1882 he was employed by
Suffs, who was at that time
United States Indian Agent
for the Five Civilized Tribes,
as a United States Police, for
said Indian Territory, and that du-
ring said services as Police,
in the discharge of his duties
he was compelled to kill a
man who was drunk, in
self defense, and to save his
own life, that after killing said
man he went before the ^{U.S.} Agent
and gave himself up, the Agent
told me that I had done nothing
but my duty, and what the Law,

regained me to do in the discharge of my duty. After this killing, there was a Mob of the party's friends formed for the purpose of murdering me, and I was advised to leave the Indian Territory for the protection of my life, which I did. The U.S. Indian Agent (M^r Tuffs) told me if I remained in this country that I would be killed, and he advised me to leave. I left my Native Country and was gone for ten years. During that time I corresponded with the U.S. Agent, and he advised me not to return to Ind. Terr. After my return in 1893 I employed S. B. Bell as my attorney to get me reinstated before the National Council which convened in November 1893 as a citizen of the Cherokee Nation. After the Council convened I received a letter from S. B. Bell my Atty. stating that I had been reinstated by the

National Council. I was also informed by Tom Ballard who was at that time a member of the National Council that I had been reinstated, in the year 1894 I drew my stamp money as other Citizens of the Cherokee Nation did, and have since that time until July 12th 1900, exercised and enjoyed all of the privileges of a Citizen of the Cherokee Nation, on July 12th I appeared before ~~before~~ the Laws Commission for final enrolment, when myself and all of my family except my two minor children ages respectfully, four (4) and one (1) years old, were by said Commission rejected. Affiant further states, that he is able to produce testimony to substantiate this affidavit from Parties who are familiar with the circumstances in his case. He also states that he did not leave his Native Country

of his own free will and accord,
but was compelled to leave
to save his own life. Affidavit
States further that he is a poor
man, and has a large family
consisting of a wife and seven
children, and if he is deprived
of his rights as a Cherokee
Citizen that it will work a
great hardship on him and
his family, and leave them
in almost destitute circum-
stances, besides robbing them
of their just inheritance,

W. B. H. H. H.

Subscribed and Sworn to, before
me this the 16th day of July 1900

My Com. Frank L. Sharp
4/6/1903 Notary Public

Delaware District:
Cherokee Nation:
Indian Territory:

I, the undersigned, Thompson Mackrat, being
a regular ordained Minister of the Gospel, hereby certify that
on or about the fifth day of July 1881, I solemnized the marriage
ceremony between Napoleon Flyth and Ella Mullins, and that at
the time of solemnizing said marriage ceremony I was duly author-
ized to solemnize marriage ceremonies by the laws of the Chero-
kee Nation and being regularly ordained ministers of the
Gospel to solemnize the marriage ceremony.

Witness my signature this 4 day of March 1901

his
Thompson Mackrat x
mark
Regularly ordained Minister of
the Gospel.

Witnesses
James Butler
Dee da squadage, De

Sworn to and subscribed before me this the 4th day March 1901.

S E A L .
David N. Fink Notary Public.
My commission expires July 26, 1904.

United States of America :

718

COMMISSION TO THE FINE COMMISSIONED
1883 1905
E I T T E T T
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Delaware District:
Cherokee Nation :
Indian Territory :

I, the undersigned, Thompson Muskrat, being a regular ordained Minister of the Gospel, hereby certify that on or about the fifth day of July 1881, I solemnized the marriage ceremony between Napolian Blyth and Elia Mullins, and that at the time of solemnizing said marriage ceremony I was duly authorized to solemnize marriage ceremonies by the laws of the Cherokee Nation authorizing regularly ordained ministers of the Gospel to solemnize the marriage ceremony.

Witness my signature by mark this the 4 day of March 1901

his
Thompson Muskrat X
mark
Regularly ordained Minister of
the Gospel.

Witnesses
James Butler
De da squadage, Desorwahake

Sworn to and subscribed before me this the 4th day March 1901.
S E A L

David N. Fink Notary Public.

My commission expires July 26, 1904

United States of America :

Northern District.
Indian Territory.

Personally appeared before me, a Notary Public in and for the said District, James P. Butler and De da squadage, and Desorwahake, who after being duly sworn say that

they were present and read and interpreted the foregoing marriage certificate to Thompson Muskrat, and that he signed his name by making his X mark in our presents

Sworn to and subscribed before me this the 4 day of March 1901

David M. Fink, Notary Public.

My commission expires July 26, 1904.

S E A L

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. February 4, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Napolian B. Blythe as a citizen of the Cherokee Nation.

Commissioner.

g

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[Handwritten signature]

CHARLES

COMMISSIONERS:

HENRY L. DAVIS,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received at 27 August 1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of
William B. Rhythe, et al for enrollment as
citizens of the Cherokee Nation.

No. 2018

L. H. Beanie
Agent for applicants

Cherokee Nation.

Department of the Interior,
Commissioner of the General Land Office,
Washington, D. C., February 17, 1902.

Mr. A. J. [Name], [Address], [City], [State].
Dear Sir: [Text]

Enclosed for you are [Number] copies of the [Document Name].
Very respectfully,
[Signature]

REMARKS:

Witnesses who appear will be given
the same in order to [Text] and [Text].
with the Commission [Text] representatives of the
Cherokee Nation.

The [Text] of the Cherokee Nation will be
given the time in order to [Text] in reply.

Mr. [Name]: I don't [Text] to introduce any more
proof; I think everything that is necessary is here.

Case closed; [Text] testimony is con-
ceded, by agreement of the attorney for the applicant and
attorney for the Cherokee Nation.

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Cherokee D 12.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C., February 12, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application
of Napoleon B. Blythe et al., for enrollment as Cherokee citizens.

Appearances:

Mr. F. A. Gibson, Washington, D. C., Attorney for Applicants,
W. W. Hastings, for the Cherokee Nation.

BY COMMISSIONER:

Attorney for the applicant will be given
ten days in which to file brief in this case, and a copy
with the Commission and a copy with the Representatives of the
Cherokee Nation.

The Representatives of the Cherokee Nation will be
given the same time in which to file brief in reply.

BY MR. GIBSON: I don't desire to introduce any more
proof; I think everything that is necessary is here.

BY COMMISSIONER:

Case closed as far as testimony is con-
cerned, by agreement of the attorney for the applicant and
attorney for the Cherokee Nation.

E. D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

E. D. Green

Subscribed and sworn to before me this February 12, 1902.

[Handwritten Signature]

Commissioner

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 1st, 1902.

In the matter of the application of Napoleon B. Blythe for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Suella Blythe, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, William H., John E., Mary J., Harry A., Aubrey A., Ermer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation.

Supplemental to D-18.

Appearances:

Benjamin C. England for Applicant.
J. C. Starr for Cherokee Nation.

BENJAMIN C. ENGLAND, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Benjamin C. England.
- Q. What is your post office? A. Afton.
- Q. And your age? A. 54.
- Q. Are you acquainted with Napoleon B. Blythe who is an applicant before the Commission for enrollment as a citizen by blood?
A. Yes, sir.
- Q. Are you acquainted with his wife, who is an applicant before the Commission for enrollment as an intermarried citizen?
A. Yes, sir.
- Q. How long have you known Suella Blythe? A. I have known her ever since '93, about '93.
- Q. Do you know when she and Napoleon were married?
A. No, sir; I don't know.
- Q. They were living together when you first knew them in 1893?
A. Yes, sir.
- Q. Have they lived together all the time since 1893? A. Yes, sir.
- Q. Living together on September 1st, 1902? A. Yes, sir.
- Q. Never separated during that time? A. No, sir.
- Q. Have they lived in the Cherokee Nation since 1893? A. Yes, sir.
- Q. Never lived out since that time? A. No, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 22nd day of October, 1902.

B. C. Jones
Notary Public.

Q. Was your present wife ever married before? A. No, sir.
Q. Where was William W. Plythe born? A. I couldn't tell you that.
Q. That is your oldest son? A. Oh, yes. He was born in Missouri.
Q. Mary J.? A. Missouri.
Q. Harry A.? A. Missouri.
Q. How about Aubrey A.? A. He was born in Missouri.
Q. Ellen J.? A. She was born here.
Q. Jesse L.? A. He was born here.
Q. Charles F.? A. He was born here.

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XX

COMMUNICATIONS

DEC 11 1902

Jesse C. Carr, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
reported the above entitled case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of December, 1902.

Notary Public

Jesse C. Carr

W. R. Renter
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 14th, 1902.

In the matter of the application of Napoleon B. Blythe for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Luella Blythe, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation.

Supplemental to D-16

Cherokee Nation appears by J. C. Starr.

NAPOLEON B. BLYTHE, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Napoleon B. Blythe.
Q. How old are you, Mr. Blythe? A. 80 years old.
Q. What is your past office? A. Arson.
Q. You are a Cherokee by blood, are you? A. Yes, sir.
Q. What is your wife's name? A. Luella.
Q. She is a white woman? A. Yes, sir.
Q. When were you married to her? A. Married January 10th, 1887.
Q. Is she your first wife? A. No, sir.
Q. You had been married before, had you? A. Yes, sir.
Q. Once or twice? A. Once.
Q. What was your first wife's name? A. Mary Ann.
Q. What was her maiden name? A. Porter.
Q. Was she dead before you married Luella? A. Yes, sir.
Q. Has your present wife ever been married before? A. No, sir.
Q. You are her first husband? A. Yes, sir.
Q. How long have you been living in the Cherokee Nation?
A. Been living here ever since 1894.
Q. Between 1880 and 1894 where were you? A. In Missouri.
Q. You made that your home didn't you? A. Well, I was living there.
Q. You married your wife up there? A. Married my wife.
Q. Voted up there. A. Voted up there.
Q. Came back to the Nation in 1894? A. '94.
Q. You weren't readmitted to citizenship? A. I don't know.
I made application for reinstatement, to the Cherokee National Council.
Q. Do you know what action the council took? A. Only what one of the council told me. Mr. Ballard told me they took the case up and it passed through the committee and they laid it aside and never took it up.
Q. How many children have you? A. Eight.
Q. All living? A. Yes, sir; all living.
Q. Your wife is living? A. Yes, sir.
Q. You and your wife have lived together ever since you married her? A. Yes, sir.
Q. And were living together on the first day of last September?
A. Yes, sir.

Examination by Mr. Starr.

- Q. Did you live with your first wife until she died? A. Yes, sir.
Q. Where did she die? A. In Missouri.
Q. What was your past office? A. I don't get well at any

regular place; sometimes Tipton, sometimes Tamm, sometimes
Akinsville.

Q. What county? A. Morgan part of the time and part of the
time Hamilton.

Q. How long had your first wife been dead when you married your
second wife? A. She had been dead about 4 months; probably a
little longer.

Q. Where did you marry your second wife? A. We were married in
Cooper county; the county seat of Cooper county.

Q. You have only been married twice? A. That is all.

Q. Was your present wife ever married before? A. No, sir.

Q. Where was William H. Blythe born? A. I couldn't tell you that.

Q. That is your eldest son? A. Oh, yes. He was born in Missouri.

Q. Mary J.? A. Missouri.

Q. Farry A.? A. Missouri.

Q. How about Aubrey A.? A. He was born in Missouri.

Q. Susan L.? A. She was born here.

Q. Jesse L.? A. He was born here.

Q. Charles F.? A. He was born here.



Jesse D. Carr, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
reported the above entitled case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of December, 1902.

Notary Public

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

In the matter of the application of Napoleon B. Blythe for the enrollment of himself and his eight minor children, William H., John E., Mary J., Perry A., Aubrey A., Emmer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on July 17, 1899, Napoleon B. Blythe appeared before the Commission at Fairland, Indian Territory, and made application for the enrollment of himself and his seven minor children, William H., John E., Mary J., Perry A., Aubrey A., Emmer L. and Jesse L. Blythe, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 15, October 1, and October 14, 1902. The application also included Luella Blythe for enrollment as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision. Since the date of this application another child, Charles F. Blythe, has been born to Napoleon B. Blythe and his wife, Luella Blythe, and that child is now embraced in this decision.


The evidence in this case shows that Napoleon B. Blythe, a Cherokee by blood, who is identified on the Cherokee authenticated tribal roll of 1880, and Luella Blythe, a white woman, were married in the year 1887. Napoleon B. Blythe and his five minor children, William H., John E., Mary J., Perry A. and Aubrey A. Blythe, are all identified on the Cherokee strip payment roll of 1884 and on the Cherokee census roll of 1886, and Emmer L. Blythe is identified on the Cherokee census roll of 1896. The two other children, Jesse L. and Charles F. Blythe, are too young to be on any roll, but are duly identified by birth affidavits made a part of the record herein.

It further appears from the evidence that Napoleon B. Blythe was born in the Cherokee Nation and lived there continuously until the year 1882, in which year he went to the State of Missouri. He remained in the State of Missouri until the year 1888, at which time he returned to the Cherokee Nation with his wife and children, and has remained in said nation ever since. The residence of the minor applicants herein is considered to be governed by that of their said father.

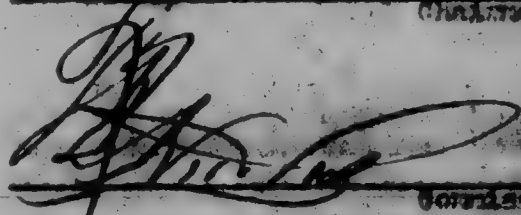
The evidence further shows that Napoleon B. Blythe's removal from the Cherokee Nation in 1868 was based upon expediency and not from choice, and it is considered from the surrounding facts coupled with his return to the Cherokee Nation and his continued residence therein since his said return, that he has not forfeited his rights of Cherokee citizenship, and his status as such extends to his minor children.

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Joseph D. Yeargain, et al (I. T. D. 1900-1903), Napoleon B. Blythe, William B. Blythe, John E. Blythe, Mary J. Blythe, Perry A. Blythe, Anthony A. Blythe, Emma L. Blythe, Jesse L. Blythe and Charles F. Blythe, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1899 (30 Stat., 495), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES



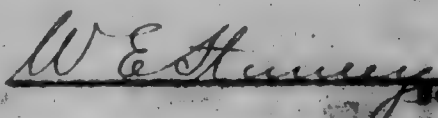
 Chairman



 Commissioner



 Assistant Commissioner



 Commissioner

Dated at Muskogee, I. T.,
this JUN 1 - 1903

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskegee I. T. July 30th 1903.

JCA

In the matter of the application of Napoleon B. Blythe for the enrollment of himself and his eight minor children, William H, John H, Mary J, Parry A, Aubrey A, Ermer L, Jesse L and Charles P. Blythe as citizens of the Cherokee Nation by Blood.

Protest of the Cherokee Nation.

Cherokee D #18.

The evidence in this case shows that Napoleon B. Blythe removed with his effects to the state of Missouri in the year 1832; that he became a citizen of the State of Missouri where he voted and exercised the rights of citizenship in the State of Missouri just the same as any other citizen of that state; that he married there in 1837; and all of his children except two were born in the State of Missouri and that he resided in Missouri with his effects and exercised the rights of citizenship in Missouri until 1893.

The Cherokee Nation contends that by reason of his leaving the Cherokee Nation "With his effects" in the year 1832; his continued residence in the state of Missouri for ten years; his marriage there; and his exercising the rights of citizenship in that state and in fact becoming a citizen of the State of Missouri "Another Government" he forfeited his citizenship in the Cherokee Nation under that provision of the Cherokee Constitution which provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other Government, all of his rights and privileges as a citizen of this Nation shall cease."

The Judgment of the Commissioner in charge succinctly summarizes the testimony and makes a clear statement of the case. The testimony is to the effect that the applicant had no effects in the Cherokee Nation from 1832 to 1894 during all of which time he was a citizen and resident of the state of Missouri; he states himself that he voted for the year

idential electors in 1884 and that he has lived without the limits of the Cherokee nation for ten or twelve years and therefore he clearly comes within the provision of that clause of the Cherokee Constitution herein-above quoted.

The applicants states that he moved without the limits of this Nation and does not contend to have left any effects behind him and admits that he exercised the rights of citizenship in the State of Missouri by voting and otherwise hence the Cherokee Nation contends that "All of his rights and privileges as a citizen of this Nation" were forfeited at the moment he became a citizen of the State of Missouri.

Now the applicant stated when he appeared before the Commission in 1900 that after his return from Missouri he was readmitted to citizenship in the Cherokee Nation as the Cherokee Constitution requires but although often urged to do so he never at any time presented any proof of his re-admission to citizenship in the Cherokee nation but on the contrary when he appeared before the Commission at Muskogee I. T. on October 14th 1902 he made the following statement:

"You weren't readmitted to citizenship?" "A I don't know. I made application for reinstatement, to the Cherokee National Council."

"Q Do you know what action the council took?" "A Only what one of the Council told me. Mr Ballard told me they took the case up and it passed through the Committee and they laid it aside and never took it up."

It is clear then that the applicant realized himself that he had forfeited his rights and privileges of citizenship in the Cherokee nation and therefore memorialized the National Council for readmission but that body did not see fit to readmit him.

When the applicant left the Cherokee nation the circumstances connected with his leaving certainly show that he intended to abandon the Cherokee nation; that his exercising the rights of citizenship was not a matter of "expediency" but was a matter of choice with him and shows conclusively that he chose to make himself a citizen of the state of Missouri. If he intended to return to the Cherokee nation and to retain his citizenship in the Cherokee nation why did he voluntarily become a citizen of the State of Missouri? If his intentions are to be judged by his acts then clearly he intended to leave the Cherokee nation and

became a citizen of the state of Missouri when he exercised the rights of citizenship in that State.

The Cherokee nation contends that there is a distinction between this case and the Yeargain case cited by the Commission (I. T. D 2900-1903) in that case Yeargain removed from the Nation and exercised the rights of citizenship in Missouri but left his effects in the Cherokee Nation whereas Blythe removed with his effects from the Cherokee nation and became a citizen of the State of Missouri.

The contention of the nation is that the applicant was a citizen of the Cherokee nation when his name was placed on the 1880 authenticated roll and he continued to be a citizen of the nation until he left the Nation and became a citizen of the State of Missouri; that he was a citizen of the Cherokee nation up to the time he left the nation but that he forfeited his right and privileges as a citizen of the Cherokee nation under that clause of the Cherokee constitution herein before quoted and that upon his return to the Cherokee nation it was necessary for him to have been readmitted to citizenship in the Cherokee nation and not having been readmitted there was no authority of law authorizing the census takers to place his name on the rolls of 1894 and ~~1896~~ 1896 which rolls the Cherokee National Council refused to confirm and by special act distinctly and positively stated that the Cherokee nation would not be bound by the 1894 Strip Pay roll..

The names of the applicants are found upon the rolls of 1894 and 1896 but they were placed there "Without authority of law" because the applicant having forfeited his citizenship when he became a citizen of the state of Missouri there was no law authorizing the census takers to place their names on the Pay roll of 1894 and the Census roll of 1896.

This is a clear case of forfeiture under the Cherokee Constitution and we contend that it was error for the Commission to decide that applicants are entitled to be enrolled as citizens of the Cherokee nation and respectfully request that the record in this case be forwarded to the Honorable Secretary of the Interior for review.

Respectfully,

W. W. Hastings
Attorney Cherokee Nation

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE, MUSKOGEE, I. T.
JANUARY 4, 1906.

Testimony taken for the purpose of showing that Ermer
L. Blythe, Cherokee Citizen Roll 30906, Cherokee Roll Card Field
No. 10394, is a female instead of a male.

NAPOLEON B. BLYTHE, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Napoleon B. Blythe.
Q Your age? A 52.
Q What is your post office address? A Afton.
Q You are a citizen of the Cherokee Nation? A Yes sir.
Q Have you a child named Ermer L. Blythe? A Yes sir.
Q When was that child born? A I think it was in 1894.
Q How old is the child at this time? A She is 8 years old past.
Q Is this child a boy or a girl? A Girl.
Q You are the father? A Yes sir.
Q Who is the mother? A Louella Blythe.

-----00-----
George H. Lesley, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported the proceedings had in the above entitled cause, and that
the above and foregoing is a true and correct transcript of his
stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 4th day of January, 1906.

Charles H. Sawyer
Notary Public.

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COMMISSION TO FIVE TRIBES.

H. M. ...

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DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 MUSKOGEE, I. T., FEBRUARY 20, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LUELLA BLYTHE as a citizen by intermarriage of the Cherokee Nation.

NAPOLEON B. BLYTHE, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Napoleon B. Blythe.
 Q Are you a Cherokee by blood? A Yes sir.
 Q Is your wife a white woman? A Yes sir.
 Q She claims no rights as a citizen by blood? A No sir.
 Q She claims citizenship by intermarriage? A Yes sir.
 Q Through whom does she claim that right? A Through me.
 Q Are you her first husband? A Yes sir.
 Q Is she your first wife? A No sir she is my second wife.
 Q Who is your first wife? A Mary A. Sortore.
 Q Was your first wife dead at the time you married Luella? A Yes sir.
 Q When were you married to Luella? A January 10, 1887.
 Q Have you and she lived together as husband and wife ever since your marriage in 1887? A Yes sir.
 Q Any separation, abandonment or divorce during that time? A No sir.
 Q And where have you and she lived? A In Delaware District.
 Q In the Cherokee Nation? A Yes sir.
 Q Have you lived anywhere else than in the Cherokee Nation since your marriage to her? A Yes sir.
 Q Where have you lived? A I lived in Missouri after I was married to her.
 Q How long did you live there? A I was there eleven years.
 Q After you were married? A Yes, not long after I was married, I was in Missouri 11 years, but not after I married her.
 Q I am asking after you married her? A No sir, we were married on January 10, 1887 and returned in 1893.
 Q Have you lived in the Cherokee nation since your return? A Yes sir.
 Q Both of you? A Yes sir.
 Q Her residence has always been the same as yours? A Yes sir.

The witness is identified on Cherokee Card Field No. 20394, and is No. 30900, upon the original roll approved by the Secretary of the Interior.

George A. Lesley, 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 case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of February, 1905.

Henry H. Leslie,
 Notary Public.

Department of the Interior
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No 2369

Indian Territory Division.

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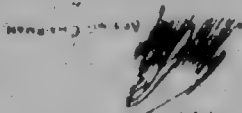
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COMMISSION TO FIVE TRIBES.

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		DATE	PAGE
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After, Fred J.
Cherokee July 16, 1900.

Walter H. P.
Relation to his right
to citizenship as a
Cherokee Indian.
1 each



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

W.H.P.

Department of the Interior.

July 21, 1900.

Respectfully referred to the
Commission to the Five Civil-
ized Tribes for consideration
and appropriate action.

W.H.P.
Acting Secretary.

July 12 1900

Mr. Needles of the Game
Commission

Dear Sir: Please
to consider the ~~statement~~ ^{statement} in
statement

I am one of the 13
13 by the who was at your office
on the 11 of July 1900

when by two children was
killed and I and by other

children was killed I could
say nothing of the case I

was not of my County or long
I did not make the

statement that I made in
and of my County I had all

the right and I do not
want to make the statement

again in and the wife
But here is my statement


as to how I was out of my
County in the year of 18

1852 I was a paleontologist
for the US Government under

US Indian Agent Tupper
I killed a man who was

Page 1

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 14 1900

 ACTING CHAIRMAN

I am well and wishing you the same
 of health.
 I submitted myself to the pleasure
 & pain of a trial here under
 the laws of the Territory under pressure
 of the court to transfer me
 from one district to another district.
 Those were the two districts in
 which I had my home in
 the Territory. I was in
 the Territory in the morning
 in which I was notified by
 some business men that
 a ^{man} had come to get me
 off from the protection of the
 law and I was notified I was
 advised to stop until further investigation
 my life was expected to be ended
 that day with out any notice &
 did stop and waited for my
 leader to inform me where
 to remain in my country. The agents
 sent me word to stay where I was.
 Because these parties might steal
 my life. I did stay unwillingly
 At last I came to the conclusion
 I would risk my life for the sake
 of my business rights as a
 citizen; I was a paper man in
 such circumstances as I could not

to justice by my children unless
I did risk my life as a witness
to my County I should
not have made the matter
When by coming here I was
in County I left stayed and
for two months and I came
to my County a man and had
I don't get I am I am a
Rejected man and are half
of my children if a man
wishes to be safe in behalf
of his own and to save lives
and himself I am in his
County is it justice to keep my
children out of their own
County and keep them there
I did not stay out of my County
Because I wanted to I was
compelled to see President
sent a man here to investigate
my case after I had
your case find by a statement
to be true By writing to
Washington where such
Business is tended
to I can produce 5 or 6 good
Reliable men as witnesses

if needed. His statement is
 true. I know I had his aid of my
 coming to New York & came back
 and I paid for them. He admitted
 my lawyer examined me I was not
 the Plaintiff. He said he paid for
 his services and thought I still was
 thinking by the law and gave me
 the same and he admitted
 you will so told me I was on the
 Plaintiff list and told me if I
 had any money to put before the
 courts I could have a man
 who wants to live in peace and
 don't want to have any trouble with
 my lawyer. By becoming a free
 man in the court which ^{will} cause me
 to be admitted in any court business
 but I risked my life and for my
 little children and I can give
 you a full answer to the question
 of your commission. Now must I
 commence an action to get my
 actual rights as a citizen.
 Please to remember I didn't leave
 my county for pleasure or money it
 was because I got in trouble under
 uncle Sam's construction. Please
 answer so I will know what to do. Napoleon

By the

Afton Ind Fry
July 16th 1900

Hon E. A. Hitchcock
Washington D. C.

Dear Sir:

On July 12th I appeared before
the Census Commission for
final Enrollment, myself
and family except my two
minor children were rejected
by said Commission. I have
been advised by the Chairman
of said Commission to submit
my case to you in form of
an affidavit which I herewith
inclose you. I am 1/8
Cherokee, was born and
raised in the Cherokee Nation
and have lived here all of life
except when I had to leave
to save my own life. I pray
you to give my case a thorough
investigation, and after doing
so, I feel confident that you
will have myself and the balance
of my family properly enrolled.
Hoping to hear from you soon I am

Respectfully
N. B. Blythe,

K 118

CO

JAN

1 1900

U.S. MAR

COMMISSIONERS
HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

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

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30, 1902

Mr. Napoleon B. Hlytha,

Afton, Indian Territory

Sir:

You are hereby notified that the application of yourself, wife, and eight
children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the
Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the
15th day of February, 1902, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney,
when an opportunity will be given you to introduce any additional testimony affecting your applica-
tion.

You are further notified that the Representatives of the Cherokee Nation will also, at the same
time, be afforded an opportunity to introduce testimony tending to disprove your right to enroll-
ment, but said Representatives will be required to notify you of their intention to introduce such
testimony before they will be permitted to do so.

You should file with the Commission a certificate of your re-
admission to Cherokee citizenship.

Yours truly,

Register
Cherokee 3-12

Acting Chairman.

INDEXED.

21
NOV 5 1902

COMMISSION TO THE FIVE TRIBES		
No.	Received	INDEXED
18693	OCT 18 1902	Book 14
1902		

Blythe, Ella,
 Ramona, I. T.,
 October 15, 1902.

CHEROKEE

Says she can send proof of her divorce from her first husband and of the legality of her second marriage, but does not wish to make any public statement.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES
 N. V. 4 1902

[Signature]
 ACTING CHAIRMAN

116

member

I have been thinking of you
 and wondering how you are
 getting on. I hope you are
 well and happy. I have been
 very busy lately but I
 will try to write to you
 more often. I love you
 and miss you very much.
 Give my love to your
 family. I will write again
 soon.

[Faint, illegible handwriting throughout the page, possibly bleed-through from the reverse side. A small 'x' mark is visible in the upper middle section.]

[Faint, illegible handwriting]

[Faint, illegible handwriting]

[Faint, illegible handwriting]
if you ...
and it ...
before the picture at 1/40

Apr 10 1862
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15
COPY.

Cherokee D-18.

Muskogee, Indian Territory, July 9, 1908.

V. V. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1908, granting the application of Napoleon B. Blythe for the enrollment of himself and his eight minor children, William H., John H., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles Y. Blythe, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enc. 1-22.

COPY

Cherokee D-18

Muskogee, Indian Territory, August 11, 1908

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Napoleon B. Blythe for the enrollment of himself and his eight minor children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

T. B. Needles

Commissioner in Charge

Through the
Commissioner of Indian Affairs.

Cherokee B-14

COPY

Muskogee, Indian Territory, August 11, 1903

H. A. Gibson,
Attorney for Napoleon B. Blythe et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Napoleon B. Blythe for the enrollment of himself and his eight minor children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Cherokee for his review and decision. The action of the Secretary will be

-2-COPY-

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge

Enc. D-73

Register.

COPY

Cherokee D-15

Muskogee, Indian Territory, August 11, 1903

Napoleon B. Blythe,

Aften, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting your application for the enrollment of yourself and your eight minor children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, H. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

made known to you as soon as the Commission is informed of the same.

Respectfully,

F. B. Needles
Commissioner in Charge.

Enc. D-72
Register.

Refer in reply to
the following:
Land.
52,307-1903.

(Copy)
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

Oct. 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report of the Commission to the Five Civilized Tribes, dated August 11, 1903, forwarding the record relative to the application of Napoleon B. Elythe for the enrollment of himself and his minor children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L., Jesse L., and Charles F. Elythe, as citizens by blood of the Cherokee Nation.

June 1, 1903, the commission held that all of the applicants were entitled to enrollment as citizens by blood of the Cherokee Nation. The Cherokee Nation, by its attorney, protests against the commission's decision. The record in this case shows that Luella Elythe, the wife of the principal applicant, applied for enrollment as an intermarried citizen. The commission states in its decision that her application is not embraced in this decision. The evidence shows that Napoleon B. Elythe is a Cherokee by blood, that his name appears on the 1890 roll; that in 1887 he was married to Luella Elythe, a white woman; that the principal applicant, his wife, and all of his minor children, except Ermer L., Jesse L., and Charles F.

Elythe, are identified by the 1894 strip payment roll; that they are also identified by the 1896 roll, as is Ermer L., and the other two children are properly identified by birth affidavits. Napoleon B. Elythe was born in the Cherokee Nation and resided there until 1882 when he removed to Missouri. He remained in Missouri until 1892 and then returned to the Cherokee nation where he has since resided.

The record shows that in 1882 the principal applicant was an Indian policeman in the employ of the government and that he "killed a man who was drunk and disturbed the town of Muskogee". He seems to have left the Cherokee Nation not from choice, but from necessity, on account of having killed the man referred to. The record does not show that he became a citizen of the State of Missouri and under the Department's decision in the Yeargain case and the opinion of the Assistant Attorney General of July 8, 1903, these applicants are entitled to enrollment, and the approval of the Commission's decision is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

(G.A.W.) P.

D C 9853-1904.

COPY

J.P.

I.T.D. 7606-1903.

DEPARTMENT OF THE INTERIOR,

FILE

L.R.S.

WASHINGTON.

March 10, 1904.

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

Gentlemen:

The Department has considered the case involving the application of Napoleon B. Blythe for the enrollment of himself and his minor children, William H., John E., Mary J., Harry A., Aubrey A., Erner L., Jesse L., and Charles F. Blythe, as citizens by blood of the Cherokee Nation. The application also included Luella Blythe, for enrollment as a citizen by intermarriage. Her status as such, you state in your decision, is not passed upon, and she is not embraced in such decision. The papers were received with your letter of August 11, 1903, and the Commissioner of Indian Affairs' letter of October 22, 1903.

It is shown that Blythe is a Cherokee by blood, identified on the 1880 roll, and that he and Luella Blythe, a white woman, were married in 1867. Blythe was born in the Cherokee Nation and lived there continuously until 1882, when he went to Missouri. He remained in that state until 1888, at which time he returned to the Cherokee Nation with his wife and children, then born, and they have remained in said nation ever since. It is shown that in 1888 the principal applicant was an Indian policeman in the employ of the government,

and that "he killed a man who was drunk and disturbed the town of Muskogee". In your decision of June 1, 1903, you stated that his removal from the Cherokee Nation in 1892 was based upon "expediency and not from choice", and that it was considered from the surrounding facts coupled with his return to the Cherokee Nation and his continued residence therein since his said return, that he had not forfeited his rights to Cherokee citizenship, and that his status as such extended to his minor children. You therefore held that the applicants, Blythe and said children, were entitled to enrollment.

The Commissioner of Indian Affairs, referring to the Yeargain case and the opinion of the Assistant Attorney General of July 8, 1903, concurs in your views.

The Nation protests against your decision, and, referring to that portion of the Constitution of the Cherokee Nation which provides that

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other Government, all of his rights and privileges as a citizen of this Nation shall cease,"

contents that by his residence in Missouri, his marriage there, and the exercise of his rights of citizenship in that state by voting, Blythe forfeited his citizenship in the Cherokee Nation, especially as there is no testimony that the principal applicant had any effects in the Cherokee Nation from 1892 until 1898.

It was stated in the opinion of the Assistant Attorney General of March 26, 1903, in the case of Scott A. Yeargain, et al., that

while the act of voting by Scott A. Yeargain "in Southwest City, Missouri, is a fact tending to show an intent to abandon Cherokee nationality, it is not alone conclusive proof of such intent, and taken in connection with the other facts only shows a violation of the laws of Missouri, not a loss or voluntary disavowal of Cherokee nationality."

The Department considers this reasoning applicable to this case, and accordingly hereby affirms your decision. A copy of the Commissioner's letter is inclosed.

It is presumed you will not need the record in this case to enable you to dispose of the claim of Luella Elythe.

Respectfully,

(Signed) Thos RYAN,

Acting Secretary.

1 inclosure.

Cherokee D 18.

Muskogee, Indian Territory, March 25, 1904.

H. A. Gibson,

Attorney for Napoleon B. Blythe et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated June 1, 1903, granting the application of Napoleon B. Blythe for the enrollment of himself and his eight minor children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee B 18

Muskogee, Indian Territory, March 25, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting the application of Engelien B. Elythe for the enrollment of himself and his eight minor children, William K., John B., Mary J., Harry A., Aubrey A., Erner L., Jesse L. and Charles F. Elythe, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee B 18

Muskogee, Indian Territory, March 25, 1904.

Napoleon B. Elythe,
Aften, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting your application for the enrollment of yourself and your eight minor children, William H., John B., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles F. Elythe, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Wahpeton, Indian Territory, February 27, 1906.

The Honorable,
The Secretary of the Interior,
Washington, D.C.

Sir:

Referring to Schedule number 18 of affidavits by blood of the Cherokee Nation, heretofore approved by the Department, the Commission has the honor to report that the name of James L. Hynes, appearing therein opposite number 25308, should be corrected so as to appear as "J" instead of "H".

On January 4, 1906 testimony was taken before the Commission, in the matter of the application for the collecting of an allotment of land in the Cherokee Nation for this applicant, which showed that the correct name is Hynes instead of Hynes, as reported by the Commission. A copy of said testimony is herewith submitted.

The Commission, therefore, respectfully recommends that the copies of this Schedule retained by the Department in the office of the Commissioner of Indian Affairs be changed so that the name of the applicant therein opposite number 25308 shall appear as

"y" instead of "H", and that the Commission be authorized to make similar change upon the Schedule returned to it.

Respectfully,

Chairman.

Commissioner.

Commissioner.

Through the

Commissioner of Indian Affairs

Encl. 3.1.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
19,406-1905.

WASHINGTON/ March 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated February 28, 1905, from which it appears that the letter in the sex column opposite No. 30,906, Ermer L. Blythe, approved roll of citizens by blood of the Cherokee Nation, should be changed from "M" to "F".

The Commission transmitted a copy of the testimony taken January 4, 1905, which shows that said child is a girl.

It is recommended that the proper correction be made on the roll on file with the Department, and that this Office and the Commission be authorized to correct their respective rolls accordingly.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

(G.A.W.) P.

DEPARTMENT OF THE INTERIOR

PH 1
11

D. C. 17553-1905.

I. T. D. 3234-1905.

WASHINGTON, April 1, 1906.

L. R. S.

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

Gentlemen:

In accordance with your recommendation of February 28, 1905, the approved roll of citizens by blood of the Cherokee Nation in the possession of the Department has been changed so that the sex of Erner L. Blythe, opposite number 30906 Green, appears as "F" instead of "M", and the Indian Office has been requested to make a like change upon the proper roll in its possession. You are authorized to make such change upon the proper roll in your possession.

A copy of Indian Office letter inclosing your report is inclosed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, February 26, 1908.

The Honorable,

The Secretary of the Interior,

Washington, D.C.

Sir:

Referring to Schedule number 18 of allotments by blood to the Cherokee Nation, heretofore approved by the Department, the Commission has the honor to report that the sex of Erner L. Rlytha, appearing therein opposite number 30006, should be corrected so as to appear as "F" instead of "M".

On January 4, 1908 testimony was taken before the Commission, in the matter of the application for the selection of an allotment of land in the Cherokee Nation for this applicant, which showed that the correct sex is female instead of male, as reported by the Commission. A copy of said testimony is herewith inclosed.

The Commission, therefore, respectfully recommends that the copies of this Schedule retained by the Department be changed so that the sex of the applicant therein opposite number 30006 will appear as "F" instead of "M", and that the Commission be authorized

to make similar change upon the Schedule returned to it.

Respectfully,

Chairman.

Commissioner.

Commissioner.

Through the
Commissioner of Indian Affairs.

Encl. B.1.

Muskogee, Indian Territory. February 20, 1906.

The Honorable,

The Secretary of the Interior,

Washington, D.C.

Sir:

Referring to Schedule number 18 of citizens by blood of the Cherokee Nation, heretofore approved by the Department, the Commission has the honor to report that the sex of Ermer L. Nlythe, appearing thereon opposite number 30906, should be corrected so as to appear as "F" instead of "M".

On January 4, 1906 testimony was taken before the Commission, in the matter of the application for the selection of an allotment of land in the Cherokee Nation for this applicant, which showed that the correct sex is female instead of male, as reported by the Commission. A copy of said testimony is herewith inclosed.

The Commission, therefore, respectfully recommends that the copies of this Schedule retained by the Department be changed so that the sex of the applicant thereon opposite number 30906 will appear as "F" instead of "M", and that the Commission be authorized

to make similar change upon the Schedule returned to it.

Respectfully,

Chairman.

Commissioner.

Commissioner.

Through the
Commissioner of Indian Affairs.

W. G. B. S.

COPY

Cherokee 10394

Muskogee, Indian Territory, April 29, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed copy of departmental letter of April 1, 1905, granting authority to correct schedule of citizens by blood of the Cherokee Nation so that the sex of Ermer L. Blythe, opposite No. 30906, will appear as "F" instead of "M".

The correction has been made upon the copy of the schedule in this office and you are requested to change, in the same particular, the copy in your office.

Respectfully,

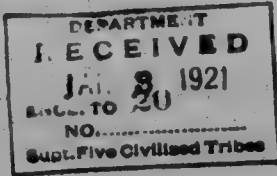
Incl. S-93.

SIGNED:

Tams Bixby

Chairman.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



WASHINGTON, D.C., December 23, 1920

I, C. F. Hauke *Acting* Assistant Commissioner

of Indian Affairs, do hereby certify that the papers hereto attached

are true copies of the original as the same

appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed on the day and year first above written.



C. F. Hauke
Acting Assistant Commissioner.

M

INFANT CHILD

Jessie L. Blincke
is a child of the

United States Nation.

[Handwritten signature]
[Handwritten signature]

Board 1914

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
 of Jesse L Blythe, born on the 4 day of March 1899
(the next name of child)
 Name of Father: N B Blythe, a citizen of the Cherokee Nation.
 Name of Mother: Lewella Blythe, a citizen of the Cherokee Nation.
 Postoffice, Afton, S. I.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,)

Northern INDIAN TERRITORY. District.)

I, Lewella Blythe, on oath state that I am 36
 years of age and a citizen, by adoption, of the Cherokee Nation;
 that I am the lawful wife of N B Blythe, who is a citizen, by
Blood, of the Cherokee Nation; that a Male child was
 born to me on the 4 day of March 1899 that said child has been
 named Jesse L Blythe, and is now living, his
Lewella Blythe
mother.

WITNESSES TO MARK.

(Must be Two)) Emma S. Miller
 (Witnesses)) A. C. Curtis

Subscribed and sworn to before me this 10 day of July 1900

My Com &

Frank L. Sharp
6/6/1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY. District.)

I, J. Danahoe, a Physician, on oath state that I
 attended on Mrs. Lewella Blythe, wife of N B Blythe,
 on the 4 day of March 1899, that there was born to her on
 said date a Male child; that said child is now living and is said to have been
 named Jesse L Blythe.

WITNESSES TO MARK

(Must be Two))
(Witnesses))

Subscribed and sworn to before me this 10 day of July 1900

My Com & 6/6/1903

Frank L. Sharp
NOTARY PUBLIC

IN RE

Application for Enrollment of

INFANT CHILD

Charles Frederick Blythe
is a citizen of

United States Nation.

Approved

[Signature]

1887

attest

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

IN RE Application for Enrollment, as a citizen of the *Cherokee* Nation.
 Charles Frederick Blythe, born on the *26* day of *July*, 1901
 Name of Father: *H. B. Blythe*, a citizen of the *Cherokee* Nation.
 Name of Mother: *Luelle Blythe*, a citizen of the *Cherokee* Nation.
 Post-office, *Apton S.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Indian Territory, District.

North
 I, *Luelle Blythe*, on oath state that I am *36*
 years of age and a citizen, by *adoption*, of the *Cherokee* Nation;
 that I am the lawful wife of *H. B. Blythe*, who is a citizen, by
blood, of the *Cherokee* Nation, that a *male* child was
 born to me on the *26* day of *July*, 1901 that said child has been
 named *Charles Frederick Blythe*, and is now living.

WITNESSES TO MAKE
 (Must be Two Witnesses) *J. S. Walker*
Ed. Worthington
 Subscribed and sworn to before me this *26* day of *July*, 1901.
Ed. Worthington
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Indian Territory, District.

North
 I, *Lenna Simkins*, *Midwife*, on oath state that I
 attended on Mrs. *Luelle Blythe*, wife of *H. B. Blythe*
 on the *26* day of *July*, 1901 that there was born to her on
 said date a *male* child, that said child is now living and is said to have been
 named *Charles Frederick Blythe*

WITNESSES TO MAKE
 (Must be Two Witnesses) *Lenna Simkins*
 Subscribed and sworn to before me this *25* day of *July*, 1901.
Ed. Worthington

Cher 10395

Johnsana D. McKelvey

Trans. from D906

Cher 10395

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 6 1906



ACTING CHAIRMAN

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Tahlequah, I. T. December, 6th 1900.

In the matter of the application of Johnseana D. McKelvy for the enrollment of herself and three children as Cherokee citizens. She being sworn before Commissioner Needles, testified as follows-

- Q. What is your name? A. Johnseana D. McKelvy
 Q How old are you? A. 37.
 Q What is your post office address? A. Claremore
 Q What district do you live in? A. Cooweescoowee.
 Q Who is it that you want to have enrolled? A. Myself and three children.
 Q What is your fathers name? A. W. P. Payne.
 Q Is he living? A. No sir.
 Q What is your mothers name? A. Mary A. Payne.
 Q Is she living? A. Yes sir.
 Q What are the names of your children? A. Lewis C. Purkey.
 Q How old? A. 7.
 Q Next child? A. Effie Purkey.
 Q How old? A. 4.
 Q Next child? A. Edna A. McKelvy.
 Q How old? A. One year.
 Q Are you married? A. Yes sir.
 Q What is your husbands name? A. Perkie McKelvy.
 Q Is he a Cherokee citizen? A. No sir.
 Q Is your name on the roll of 1880? A. No sir.
 Q By what right do you claim enrollment? A. We were admitted.
 Q Were you re-admitted by the Cherokee council? A. They told us that we was but they didnt give us any papers.
 Q You will have to provide us with a certificate showing that you were admitted. * * * * *
 Q What was your name in 1896? A. Purkey.
 Q Was that your former husbands name? A. My first husbands name.

1896 roll, page 233, No 3808, Anna Perkey, Cooweescoowee dist.
1896 233 3809 Lewis Perkey "
1896 233 3810 Effa L. Perkey "

- Q Have you any proof of birth to file for this youngest child? A. Yes sir.
 Q Please present it. A. I have my mother here, she was present when the child was born.

1894 roll, page 1118, No 2306, Johnseana Perkey, Tahlequah dist.
1894 1118 2306 Lewis C. Perkey "

- Q What was your first husbands full name? A. David W. Purkey.
 Q You say your name is not on the roll of 1880? A. No sir.
 Q Why? A. We was not here.
 Q Where were you? A. In Kansas.
 Q How long have you lived in the Cherokee Nation? A. Eight years.
 Q Never lived in the Cherokee Nation until eight years ago? A. I was quite small when they taken me away.
 Q Where was you born? A. In the Cherokee Nation.
 Q Were you married in Kansas? A. Yes sir.
 Q Were these children born in Kansas? A. No sir in the Cherokee Nation

The name of Johnseana D. McKelvy appears on the 1896 census roll as Anna Perkey, and on the pay roll of 1894 as Johnseana Perkey. She swears that her maiden name was Payne. Her father being now deceased, and her mother is living. Her first husbands name was David W. Purkey by whom she had two children, Lewis C. and Effie Purkey and the name of Lewis C. appears on the census roll of 1896 and the pay roll of 1894.

Johnson B. McKelvy 3.

and the name of Little Parkey appears on the census roll of 1898. She swears that she has one child Edna A. McKelvy by her last husband, one Bertie McKelvy, but she presents no proof as to its birth. Her name is not found on the authenticated roll of 1898 and she presents no proof of admission to Cherokee citizenship, having been taken to Kansas when a child and removing to the Cherokee Nation in 1898. In reason of the fact that she is not found on the authenticated roll of 1898 and that she does not present proof of her admission, final judgment as to her case will be suspended and she will be placed on a doubtful card. It will also be necessary for her to furnish proof of birth as to her youngest child, Edna A. McKelvy.

.....

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 6th of December, 1909.

Chas. von Weise
Chas. von Weise

Commissioner.

RECORDED

INDEXED

Division of Education, Bureau of Indian Affairs

File

(B)

Division of Education, Bureau of Indian Affairs

Division of Education, Bureau of Indian Affairs

Division of Education, Bureau of Indian Affairs

Division of Education, Bureau of Indian Affairs

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
GOVERNMENT PRINTING OFFICE: 1900

FILED
DEC 6 1900

[Handwritten signature]

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date 0081 9- 10 1900.

Name Clarence D.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Johnna R. Kelly

District COOWEE SCOWEE Year 1896 Page 233 No. 9808

Citizen by blood yes Mother's citizenship _____

Intermarried citizen no

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Names of Children:	Dist.	Year	Page	No.	Age
<u>Lewis C. Perkey</u>	<u>COOWEE</u>	<u>18</u>	<u>233</u>	<u>3809</u>	<u>7</u>
<u>Lizzie</u>	<u>COOWEE</u>		<u>233</u>	<u>3810</u>	<u>1</u>
<u>Edna A. McKelley</u>	<u>COOWEE</u>				<u>1</u>
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

in 1896 all as
2 " " " "
3 " " " "
4 Birth applicants required
Anna Perkey
Lewis
Lizzie

Proof of readmittance to be supplied

D

1906

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1901

~~Handwritten scribble~~

1

COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Winta 23 Oct 23 1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of

John and P. M. Kelley for enrollment as
citizens of the Cherokee Nation.

No. 10906

Stearns
Agent for applicant

The applicant was notified by registered letter, February 20, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and the applicant this date, to-wit: the 12th day of March, 1902, appears by her attorney a Callaway and Requinie.

The agent for the applicant requests that the statement of the attorney made in the latter of the application of Silas D. Payne, Cherokee Card D-207, be filed and made part of the record in this case, which is done according to the statement being as follows:

"The attorney for the applicant desires to submit the case on the evidence now of record, and requests to be allowed to file an Act of the National Council, No. 1396, under the name of Silas D. Payne placed upon the rolls of the Cherokees of that year.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, and the same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record, in addition to certified copy of Act of Council to be filed by attorney for applicant.

The attorney for applicant requests and will be granted fifteen days in which to file brief, one copy with the Commission, and one copy with the representative of the Cherokee Nation."

The agent of the applicant and the representative of the Cherokee Nation present submit the case, and the same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

The agent for the applicant requests and will be granted fifteen days in which to file brief in the case, one copy with the

Commission to file the application of Silas D. Payne, Cherokee Card D-207, and make part of the record in this case, which is done according to the statement being as follows:

60000

R.

C. D-906.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Johnsana D. McKelvey for the enrollment of herself and children as
citizens of the Cherokee Nation.

Appearances:

Callaway and Sequichie, attorneys for the applicant.
W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that her application for the enrollment of herself and chil-
dren as citizens of the Cherokee Nation would be taken up for final
consideration by the Commission at its offices in Muskegee, I. T.,
on the 12th day of March, 1902, and the applicant this date, to-wit:
the 12th day of March, 1902, appears by her attorneys Callaway and
Sequichie.

The agent for the applicant requests that the statement of the
attorney made in the matter of the application of Silas D. Payne,
Cherokee Card D-907, be filed with and made part of the record in
this case, which is done accordingly, the statement being as follows:

"The attorney for the applicant desires to submit the case on
the evidence now of record, with permission to be allowed to file
an Act of the National Council of 1896, ordering the name of Silas D.
Payne placed upon the rolls of the Cherokees of that year.

The attorney for the applicant and the representative of the
Cherokee Nation present submit the case, and the same is considered
completed and will be reported to the Commission for final decision
based upon the evidence now of record, in addition to certified copy
of Act of Council to be filed by attorney for applicant.

Attorney for applicant requests and will be granted fifteen
days in which to file brief, one copy with the Commission, and one
copy with the representative of the Cherokee Nation."

The agent of the applicant and the representative of the
Cherokee Nation present submit the case, and the same is considered
completed and will be reported to the Commission for final decision
based upon the evidence now of record.

The agent for the applicant requests and will be granted fif-
teen days in which to file brief in the case, one copy with the
Commission, and one copy with the representative of the Cherokee
Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to
the Commission to the Five Civilized Tribes, I correctly recorded
the proceedings in this case, and that the foregoing is a true and
complete transcript of the stenographic notes thereof.

Wm Hutchinson

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

In the matter of the application for the enrollment of Mary A. Payne et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Mary A. Payne,	Cherokee D-769,
Johnsana D. McKelvey et al.,	" D-906,
Silas D. Payne,	" D-907.

D E C I S I O N .

+++++

The record in these cases shows that the following applicants appeared before the Commission at the places hereinafter designated and made personal application for enrollment as citizens by blood of the Cherokee Nation:

On November 8, 1900, Mary A. Payne appeared before the Commission at Claremore, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 20, 1902, and on July 22, 1902.

On December 6, 1900, Johnsana D. McKelvey appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself and her minor children, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902.

On December 6, 1900, Silas D. Payne appeared before the Commission at Tahlequah, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 9, 1901, and at Muskogee, Indian Territory, on March 12, 1902.

The evidence shows that Mary A. Payne, Johnsana D. McKelvey and Lewis C. Perkey are identified as native Cherokees on the 1894 and 1896 rolls of the Cherokee Nation. Effie Perkey and Silas D. Payne are identified as native Cherokees on the Cherokee roll of 1896. Johnsana D. McKelvey, formerly Perkey, nee Payne, and Silas D. Payne are the children of Mary A. Payne. Lewis C. Perkey, Effie Perkey and Edna A. McKelvey are the children of Johnsana D. McKelvey. Edna A. McKelvey is too young to appear upon any of the tribal rolls, but is duly identified by a birth affidavit made a part of the record herein.

It further appears that Mary A. Payne, Johnsana D. McKelvey formerly Perkey, nee Payne, and Silas D. Payne were born in the Cherokee Nation and resided therein continuously until 1878, when they removed to the State of Kansas and remained there until 1892, when they returned to the Cherokee Nation. The evidence further shows that the said Mary A. Payne, Johnsana D. McKelvey, formerly Perkey, nee Payne, and Silas D. Payne have resided in the Cherokee Nation all their lives, except during the said period spent in Kansas. Said minor children of Johnsana D. McKelvey, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey, were born in, and have resided all their lives in the Cherokee Nation. All of the applicants herein were residents of said nation on the date of this application.

Article eleven of the agreement concluded between the United States and the Cherokee Nation, at Tahlequah, Indian Territory, on December 19, 1891, approved by the Principal Chief on January 4, 1892, and ratified by an Act of Congress approved March 3, 1893 (27 Stats., 612-641), provides as follows:

"For and in consideration of the above cession and relinquishment, the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employ of the Cherokee Nation or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or Acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section six of the treaty of 1835; and sections twenty-six and twenty-seven of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation."

Upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the Principal Chief, pursuant to said agreement, which lists bear date of 1893, and are now in the possession of the Commission, it appears that the names of none of said applicants are found thereon. On the contrary, it appears that the applicants, with the exception of Effie Perkey and Edna A. McKelvey, have been identified on every tribal roll of said nation made since their return from Kansas. The said Effie Perkey was born subsequent to the taking of the 1894 roll, but is identified on the Cherokee roll of 1896. Edna A. McKelvey was born subsequent to the taking of the 1896 roll, but is identified by birth affidavit.

It is, therefore, the opinion of this Commission that Mary A. Payne, Johnana D. McKelvey, Lewis C. Perkey, Effie Perkey, Edna A. McKelvey and Silas D. Payne should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tans Bixby
Chairman.

(signed) T. B. Needles
Commissioner.

(signed) C. E. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this Mar - 2 1903

Ind 185

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1906

8200

Indian Office

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1906

IN RE
THE DEATH OF

Lewis G. Parkey
a citizen of the

Leawhee Nation.

Approved Oct 6 1903

C. R. Brantingham
Commissioner.

DEPARTMENT OF THE INTERIOR
RECEIVED
FEB 17 1906
Enc. No. 2 of No. 2846
INDIAN TERRITORY DIVISION

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 6 1903



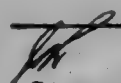
BRANTINGHAM

10395

**IN RE
THE DEATH OF**

Lewis C. Perkey,
a citizen of the
Cherokee Nation.

Approved: October 6, 1903.
C. R. Breckinridge,
Commissioner.



It appears from the within affidavits that the applicant, Lewis C. Perkey, died on the 1st day of May, 1902, it is hereby ordered that the application for the enrollment of said Lewis C. Perkey as a citizen by blood of the Cherokee Nation be dismissed.



Commissioner.

Muskogee, Indian Territory.
MAR 24 1906

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Lewis L. Parkey

(Here insert name of deceased)

a citizen of the

L. L. Parkey

Nation, who formerly resided at or near

W. L. Parkey

(Here insert name of post office)

, Ind. Ter., and died on the

12th

day of

May

1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Western

District.

I,

Johnsana D. McKelvey

, on oath state that I am 30

years of age and a citizen, by

blood

of the

L. L. Parkey

Nation;

that my post office address is

W. L. Parkey

(Here insert name of post office)

Ind. Ter.; that I am

near the mother

(State relationship as: the father, an uncle, a cousin, etc.)

of

Lewis L. Parkey

(Here insert name of deceased)

who was a citizen, by

blood

of the

L. L. Parkey

Nation;

and that said

Lewis L. Parkey

(Here insert name of deceased)

died on the 12th day of

May

1902

Johnsana D. McKelvey

WITNESSES TO SIGN

(Must be Two Witnesses)

Subscribed and sworn to before me this

5th

day of

Oct

1903

J. Ross

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Western

District.

I,

Mary E. Payne

, on oath state that I am 41

years of age, and a citizen, by

blood

of the

L. L. Parkey

Nation;

that my post office address is

Tahlequah

(Here insert name of post office)

Ind. Ter.;

that I was personally acquainted with

Lewis L. Parkey

(Here insert name of deceased)

who was a citizen by

blood

of the

L. L. Parkey

Nation;

and that said

Lewis L. Parkey

(Here insert name of deceased)

died on the 12th day of

May

1902

Mary E. Payne

WITNESSES TO SIGN

(Must be Two Witnesses)

Subscribed and sworn to before me this

5th

day of

Oct

1903

J. Ross

Notary Public.

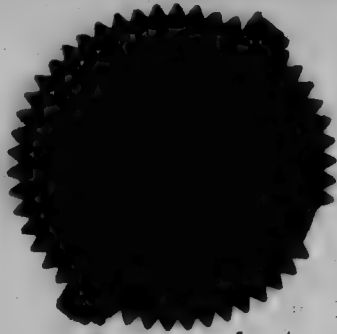
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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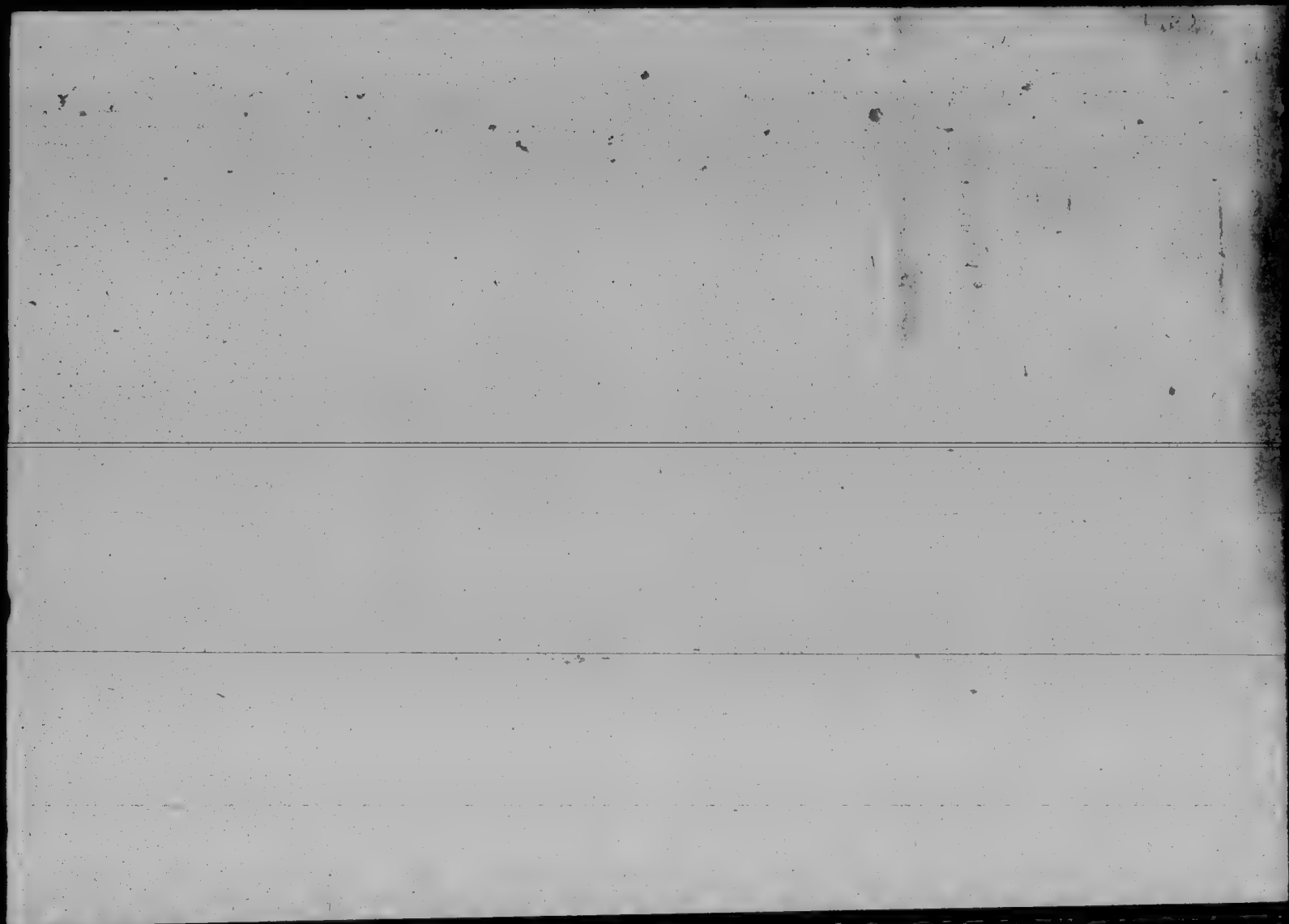
WASHINGTON, OCT -8 1917, 191

I, ----- E. B. Meritt, Assistant, Commissioner
of Indian Affairs, do hereby certify that the paper hereto attached
----- is a ----- true copy of the original as the same
appear ----- on file ----- in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed, on the day and year first
above written.



E. B. Meritt
Assistant Commissioner.



John A. McHenry ... *27*
... *John A. McHenry* ...
... *John A. McHenry* ...
... *John A. McHenry* ...
... *John A. McHenry* ...

ADDRESS TO CARE

John A. McHenry

(Print Name)
(Signature)

Subscribed and sworn to before me this *6th* day of *December* 190*7*

J. J. Payne
NOTARY PUBLIC

SEP 19 1907

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

North

John A. Payne, Midwife, do hereby state that I
... *John A. Payne* ...
... *John A. Payne* ...

... *John A. Payne* ...
... *John A. Payne* ...

6

1896

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 23 1902

[Handwritten signature]

>

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

ALLISON L. AYLESWORTH.
SECRETARY

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

Muskogee, Indian Territory, February 20, 1902.

Mrs. Johnana D. McKelvy,

Claremore, Indian Territory,

Madam:-

yourself and three minor

You are hereby notified that the application of
children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with four certificates of readmission to Cherokee citizenship.

Copy to J. E. Sengle,
Cherokee, I.T. Yours truly,
Cherokee B-906
Register.

Acting Chairman.
Commissioner in Charge.

COPY.

Cherokee
D-769, D-906, D-907.

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Mary A. Payne for the enrollment of herself as a citizen by blood; the application of Johnanna D. McKelvey for the enrollment of herself and her minor children, Lewis G. and Effie Perkey and Edna A. McKelvey, as citizens by blood; and the application of Elias D. Payne for the enrollment of himself as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby

Assistant

W. W. Hastings

COPY

Cherokee D-
769,906 & 907.

Muskogee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary A. Payne et al., together with the Commission's decision, dated March 2, 1903, granting the application for the enrollment of Mary A. Payne, Johnna D. McKelvey, Lewis C. and Effie Perkey, Edna A. McKelvey and Silas D. Payne as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Jama Dwyer
Chairman.

Enc. N-185

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-
769, 906 & 907.

Muskegee, Indian Territory, May 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tablequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been forwarded to the Secretary of the Interior, for review, the record of proceedings had in the consolidated case of Mary A. Payne et al., together with the Commission's decision, dated March 2, 1903, granting the application for the enrollment of Mary A. Payne, Johnna D. McKelvey, Lewis C. and Effie Perkey, Edna A. McKelvey and Silas D. Payne as citizens by blood of the Cherokee Nation, and the protest of the Cherokee Nation against said decision, dated March 21, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tamie L. ...
Chairman.

Cherokee
D-906 & D-769

Muskegee, Indian Territory, May 4, 1903.

J. R. Sequichie,

Agent for Mary A. Payne et al.,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the consolidated case of Mary A. Payne et al., together with a copy of the Commission's decision, dated March 2, 1903, granting, among others, the application for the enrollment of Mary A. Payne, Johnna D. McKelvey, Lewis C. and Effie Perkey and Edna A. McKelvey as citizens by blood of the Cherokee Nation.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tamo Biabry.

Muskogee, Indian Territory, May 4, 1903.

Johnsana D. McKelvey,
Claremore, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting, among others, your application for the enrollment of yourself and your three minor children, Lewis C., and Effie Perkey, and Edna A. McKelvey, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your agent, J. R. Sequichie, Chelsea, I.T., a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission
is informed of same.

Respectfully,

Tama Kachua

Chairman.

Enc. M-183

Register.

Refer in reply to
the following:
Land.
29284-1903.

Copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated May 4, 1903, transmitting the record relative to the application of Mary A. Payne, et al., for enrollment as citizens of the Cherokee Nation. Mary A. Payne applies for enrollment as a citizen by blood. Johnzana D. McKelvey applies for the enrollment of herself and her minor children, Lewis C. and Effie Perkey, and Wana A. McKelvey. Silas D. Payne applies for enrollment as a citizen by blood.

March 2, 1903, the Commission held that the applicants were entitled to enrollment. The Cherokee Nation by its attorney protests against the Commission's decision.

The record in the case shows that Mary A. Payne, Johnzana D. McKelvey and Lewis C. Perkey are identified by the 1894 and 1896 rolls; that Effie Perkey and Silas D. Perkey are identified by the 1896 roll. Johnzana D. McKelvey and Silas D. Payne are the children

of Mary A. Payne. Lewis C. and Effie Perkey and Mina A. McKelvey are the children of Johnsans D. McKelvey. Mina A. McKelvey is identified by a birth affidavit. Mary A. Payne, Johnsans D. McKelvey and Biled D. Payne were born in the Cherokee Nation and resided there until 1878, when they removed to Kansas, where they stayed until 1892, when they returned to the Cherokee Nation. The record shows that these three applicants have resided in the Cherokee Nation all their lives, except during the time they were in Kansas, which was from 1878 to 1892. The minor applicants were born in the nation, and have resided there since their birth.

The commission quotes Article 11 of the Agreement between the United States and the Cherokee Nation approved by act of Congress, March 3, 1893 (27 Stats. 612) in relation to the removal of intruders from the limits of the Cherokee Nation, and says that an examination of the lists of intruders furnished by the Principal Chief does not contain the names of any of these applicants, and that with the exception of Effie Perkey and Mina A. McKelvey the names of the applicants are on every roll made by the tribe since the applicants returned from Kansas.

From the record it appears that the applicants are entitled to enrollment, and the approval of the Commission's decision is recommended.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

D C 2822-1904

IED 7762-1903

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.F.

W.H.

March 10, 1904.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

October 29, 1903, the Commissioner of Indian Affairs transmitted the papers received with your letter of May 4, 1903, in the case involving the application of Mary A. Payne, Johnna D. McKelvey, Lewis C. Perkey, Effie Perkey, Mina A. McKelvey and Silas D. Payne, for enrollment as citizens of the Cherokee Nation by blood, and recommended that your decision in favor of the applicants be affirmed.

It appears that Mary A. Payne is a Cherokee by blood and the mother of Johnna D. McKelvey and Silas D. Payne. Lewis C. Perkey, Effie Perkey and Mina A. McKelvey are the children of Johnna D. McKelvey.

All of the applicants are identified on the 1896 roll except Mina A. McKelvey, who is too young to be upon any Cherokee roll.

Mary A. Payne, Johnna D. McKelvey and Silas D. Payne were born in the Cherokee Nation and remained there continuously until 1877 when they removed to Kansas and remained there until 1878 when they returned to the Cherokee Nation.

There is nothing to show that the applicants who moved to Kansas ever exercised or claimed the right to citizenship in that state.

Said minor children, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey were born in and have always resided in the Cherokee Nation.

You stated in your decision of March 2, 1903, that upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the Principal Chief, pursuant to the agreement between the United States and the Cherokee Nation approved by the act of March 3, 1893 (27 Stats., 612-641), it appears that the names of none of said applicants are found thereon; that on the contrary it appears that the applicants, with the exception of Effie Perkey and Edna A. McKelvey, have been identified on every roll made since their return from Kansas.

The Nation, by its attorney, protests against your decision, contending that as the evidence shows that Mary A. Payne left the Cherokee Nation in 1878 and went with her husband to the State of Kansas where they continued to reside until after her husband's death in 1892 or 1893, and maintained a home in Kansas where all but one of her children were born, they lost their citizenship in the Cherokee Nation under the constitution of said Nation; that as they were not readmitted to citizenship in accordance with the constitution and laws of the Cherokee Nation, their names must have been placed upon the rolls without authority of law.

Following various decisions of the Department, mostly rendered

since your decision in this case, the applicants are entitled to enrollment unless some objection appears not known to the Department. See decisions of March 17, 1903, in the C. G. Clarke case; of January 24, 1903, in the Milan C. Smith case; of June 19, 1903, in the case of Martha Hill, et al., and of June 12, 1903, in the case of James W. Shirley, et al.

The Department therefore affirms your decision.

A copy of the Commissioner's report of October 29, 1903, is inclosed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

Cherokee D 906

Waukegee, Indian Territory, March 25, 1904.

Johnsana D. McKelvey,
Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting, among others, your application for the enrollment of yourself and your two minor children, Effie Perkey and Edna A. McKelvey, as citizens by blood of the Cherokee Nation, and dismissing your application for the enrollment of your minor child, Lewis G. Perkey, he having died on May 1, 1902, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 906,
D 907 and D 769

Muskogee, Indian Territory, March 25, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting the applications for the enrollment of Mary A. Payne, Silas D. Payne, Johnana D. McKelvey, Edna A. McKelvey and Effie Perkey, and dismissing the application for the enrollment of Lewis C. Perkey, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Cherokee B 700 &
B 900

Muskogee, Indian Territory, March 25, 1904.

J. R. Sequichie,
Agent for Mary A. Payne, et al.,
Chulsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting, among others, the applications for the enrollment of Mary A. Payne, Johnana D. and Edna A. McKelvey, and Effie Perkey, and dismissing the application for the enrollment of Lewis C. Perkey, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On March 10, 1904 (I.T.D. 7762-1903), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, favorable to the applicants embraced in the consolidated application for enrollment as citizens of the Cherokee nation of Mary A. Payne, et al., (C. D-769, et al). Among others embraced in said decision is Lewis C. Perkey, a child of Johnna D. McKelvey.

This office is in receipt of an affidavit as to the death, on May 1, 1902, of said Lewis C. Perkey, which affidavit is inclosed herewith.

Section 2b of the Act of Congress approved July 1, 1902 (32 Stat., 716) provides:

The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

It is, therefore, respectfully recommended that the Department's decision, dated March 10, 1904, above referred to,

in so far as it relates to the applicant Lewis G. Parkey, be reconsidered, and that this office be authorized to take proper steps to dismiss the application for the enrollment of said child as a citizen of the Cherokee nation.

It is requested that the affidavit transmitted herewith be returned to this office.

Respectfully,

Incl. S-86

Commissioner.

Through the

Commissioner of Indian Affairs.

(COPY)

Lead
6300-1904

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON .

-Copy-

February 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 10, 1904, I. T. D. 7762-1903, affirming the decision of the Commission to the Five Civilized Tribes, of March 2, 1903, favorable to the applicants embraced in the consolidated application for enrollment as citizens of the Cherokee Nation, of Mary A. Payne, et al., there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 23, 1904, transmitting affidavits of Johnanna B. McKelvey, mother of Lewis C. Perkey, and Mary A. Payne, who was a party to the case mentioned, which shows that said Lewis C. Perkey died on May 1, 1903.

Section 28 of the Cherokee Agreement provides that:

The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

Mr. Bixby recommends that the Department's decision of March 10, 1904, so far as it relates to applicant Lewis C. Perkey, be rescinded, and that he be authorized to take proper steps to dismiss the application for enrollment of said child as a citizen of the Cherokee Nation. He requests that the affidavit enclosed be returned.

Inasmuch as said Perkey died prior to September 1, 1902, he is not entitled to enrollment, and the Office concurs in the recommendation of the Commissioner to the Five Civilized Tribes.

Very respectfully,

C. F. Iarrabee,
Acting Commissioner

GAW-GH

3 Enclosures.

(COPY)

Y.P.
VHE

SECRETARY'S OFFICE.

DEPARTMENT OF THE INTERIOR .

D.C. 7550-1906
I.T.D. 2846-1906
L R S

WASHINGTON, D.C.

February 21, 1906

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

Sir:

March 10, 1904, the Department affirmed the decision in favor of Lewis C. Perkey, in the Cherokee enrollment case of Mary A. Payne, et al., rendered by the Commission to the Five Civilized Tribes.

January 23, 1906, you recommended that said decision, so far as it relates to Lewis C. Perkey, be rescinded, affidavits having been furnished, which you inclosed, one by the mother of said Perkey, filed with the Commission to the Five Civilized Tribes the date of execution, October 5, 1903, showing the death of Perkey May 1, 1902.

The Indian Office, reporting in the matter February 16, 1906, concurs in your recommendation.

The Department also concurring, the decision of March 10, 1904, is hereby rescinded, as to Lewis C. Perkey, and you are authorized to dismiss the application for the enrollment of said child as a citizen of the Cherokee Nation.

The affidavits mentioned are inclosed herewith, together with a copy of the Indian Office letter.

Respectfully

Y. P. VHE

REFER IN REPLY TO THE FOLLOWING
Cherokee-10395.

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

Muskogee, Indian Territory, February 28, 1906.

Johnsana D. McKelvey,
Claremore, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of February 21, 1906, in which its decision of March 10, 1904, granting your application for the enrollment of yourself and children as citizens by blood of the Cherokee Nation, is rescinded as to your child, Lewis C. Perkey, and authority granted to dismiss the application for his enrollment, he having died prior to September 1, 1902.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-74

Acting Commissioner.

Cherokee-10395.

Muskogee, Indian Territory, February 28, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of February 21, 1906, in which its decision of March 10, 1904, granting the application of Johnana D. McKelvey for the enrollment of herself and children as citizens by blood of the Cherokee Nation, is rescinded as to Lewis C. Perkey and authority granted to dismiss the application for his enrollment, he having died prior to September 1, 1902.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-75

Acting Commissioner.

Cher 10396

Albert Washington

Trans. from Delaware No. 1
(Old Series)

Cher 10396

Q They lived together as man and wife? A Yes, sir.

Examined by Hastings, attorney for Cherokee Nation:

Q How long has she been dead? A About four years.

Com'r Needles: Name of James Washington found on 1880 authenticated roll of the Cherokee Nation and Delaware, page 336, #2880, being fully identified, no objection being made by the representatives of the Cherokee Nation, you are enrolled as a member of the Cherokee Nation; and Albert Washington, being found on the roll of 1898, and being fully identified, his father being a Delaware, and satisfactory proof being made of marriage of father and mother is hereby enrolled.

(Applicant notified that George Washington mother will enroll him she being alive.)

F. E. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above is a true and complete transcript of his stenographic notes in said case.

(Signed) F. E. Green.

Subscribed and sworn to before me this 9th day of July, 1900.

(Signed) T. E. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

COMMISSIONER TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C.

1880
1898
1901

Young Cherokee

1880

1898

Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I. T., July 9th, 1900.

In the matter of the application of James Washington et al for enrollment as Delaware Indians; being sworn and examined by Commissioner Needles he testifies as follows:

- Q. What is your name? A James Washington.
Q. What is your age? A Thirty-four.
Q. What is your postoffice address? A Fairland.
Q. Where do you live? A Here in town.
Q. How long have you lived here? A About eight years.
Q. Where did you live prior to the time you moved to Fairland?
A Cherokee Nation.
Q. How long have you lived in the Cherokee Nation? A About thirty-two years.
Q. Where were you born? A In Kansas.
Q. Are you a Cherokee? A No, sir, I am a Delaware.
Q. You make application as a Delaware by blood? A Yes, sir.
Q. What is the name of your father? A George Washington.
Q. Is he living? A No, sir.
Q. Is he upon the rolls of the Cherokee Nation as a Delaware?
A Yes, sir.
Q. What district does he belong to? A Delaware District.
Q. What is the name of your mother? A I don't remember.
Q. Is she living? A No, sir.
Q. Was she upon the rolls of the Cherokee Nation? A Yes, sir.
Q. What district? A Delaware District.
Q. Have you lived outside the Indian Territory within the last three years? A No, sir.
Q. Have you been enrolled by the Cherokee tribal authorities?
A Yes, sir.
Q. Are you on the roll of 1880? A Yes, sir.
Note: 1880 roll examined; page 356, #2880, Delaware District.
Q. Are you married? A Yes, sir, I have been.
Q. Your name on the strip payment roll? A Yes, sir.
Q. Also on the authenticated roll of 1896? A Yes, sir.
Q. What proportion of Delaware blood do you claim to have?
A About three-quarters.
Q. You say you are not married? A No, sir, my wife is dead.
Q. Have you any children? A None living.
Q. Desire to enroll anyone but yourself? A That is all. Well yes I have two nephews under age.
Q. Is your wife on the roll of 1896? A I don't remember.
Q. How long has she been dead? A Six or seven months.
Q. What is her name? A Mattie or Martha Washington.
Q. What was her name before you married her? A Haskett.
Note: 1896 roll examined, page 504, #508, Martha E. Washington found, and marked dead.
Q. Who are your nephews living with? A With me.
Q. Are they under age? A Yes, sir, two of them is.
Q. Are they orphans? A Yes, sir.
Q. They are living with you now? A Yes, sir.
Q. Are you their legal guardian? A No not exactly.
Q. Have you raised them? A No, sir.
Their father has only been dead a short time.

Examined by Attorney for Cherokee Nation, Hastings:

- Q. Anybody else got guardianship papers for them?
A No, sir.

Com'r Needles:

- Q. What are their names? A George Washington, nineteen years old; Albert Washington, ten years old.
Note: 1880 roll examined, George M. Washington, page 356, Delaware District; Albert Washington, page 357, 358, do not roll

as Libl A. Washington.

Q What is the name of the father of these children? A John Washington.

Q Their mother's name? A I can't think of her name.

Q Was she a white woman? A Yes, sir.

Q She is dead? A Albert's is a different mother to George's mother. George's mother is living.

Q Is she a citizen? A Yes, sir, she married a citizen.

Q Mother of both of these children living? A No, sir, the youngest boy's mother and father are both dead; her name was Florrie Haskett.

Q Who did George's mother marry the last time? A Jack Rogers.

Note: 1886 roll examined; John Washington #2884, marked dead.

Q What is the name of the father of Albert? A John Washington. He was a Delaware.

Q What is his mother's name? A Florrie Haskett was her name before she was married.

Q Do you know they were married? A Yes, sir.

Q They lived together as man and wife? A Yes, sir.

Examined by Hastings, attorney for Cherokee Nation:

Q How long has she been dead? A About four years.

COM
Gom'r Needles: Name of James Washington found on 1880 authenticated roll of the Cherokee Nation as a Delaware, page 336, #2880, being fully identified, no objection being made by the representatives of the Cherokee Nation, you are enrolled as a member of the Cherokee Nation; and Albert Washington's name being found on the roll of 1896, and being fully identified, his father being a Delaware, and satisfactory proof being made of the marriage of father and mother is hereby enrolled.

(Applicant notified that George Washington mother will enroll him she being alive.)

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

(Signed) M. D. Green.

Subscribed and sworn to before me this 9th day of July, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 14th day of November, 1901.

Arthur G. Croninger
M. D. Green
Notary Public
Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date July 9, 1900 1900.

Name James Washington

District Delaware Year 1880 Page 336 No. 2880

Citizen by blood yes Mother's citizenship Cherokee

Intermarried citizen _____

Married under what law _____ Date of marriage _____

Licence _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

Licence _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
<u>Delaware</u>	<u>1876</u>	<u>625</u>	<u>97</u>	<u>10</u>
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____

See 1876 Roll as Rebel A. Washington.

COMMISSION TO INVESTIGATE THE
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Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 14, 1902.

In the matter of the application of JAMES WASHINGTON for the enrollment of himself and nephew, ALBERT WASHINGTON, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

ANDREW H. NORWOOD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Andrew H. Norwood.
Q How old are you? A 53 years old, and reside at Dewey, I.T.
Q You are a citizen by intermarriage, are you? A Yes sir, I became by a marriage to a Cherokee; my first wife was a Cherokee and my last wife a Delaware.
Q How long have you lived in the Cherokee Nation? A 33 years.
Q Do you know a Delaware named James Washington? A I do.
Q About how old is he? A I would think he's in the neighborhood of 40.
Q Is he a son of George Washington? A Yes sir.
Q What's his postoffice? A At the present time Fairland.
Q How long have you known him? A I have known him intimately for 20 years or more.
Q Has he lived in the Cherokee Nation ever since you've known him?
A Yes.
Q And he is living here now? A Yes sir.
Q Do you know anything of a nephew by the name of Albert Washington? About 13 years old, living with him? The son of John Washington, a Delaware, and Flora Washington, a non-citizen?
A Well, I know John well, but I don't know whether I know this boy or not? Q Not able to testify as to his residence? A No, I could not.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 27th day of November, 1903.

Samuel Forman

Notary Public.

James Washington, born [unclear]

work, identified as follows:

Examined

at [unclear]

Q. What is your name?
A. James Washington.
Q. How old are you?
A. I am 39 or 38. I was born in 1838.

Q. Where were you born?
A. In Delaware by [unclear].

Q. How long have you lived in [unclear]?
A. I have lived here [unclear] years.

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. Where was your father?
A. He was born here, lived [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

Q. How long have you lived in [unclear]?
A. I have lived in [unclear] since [unclear].

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 24th, 1903.

-----X
In the matter of the application of James Washington)
for the enrollment of himself and nephew, Albert)
Washington, as citizens of the Cherokee Nation, of) Delaware #1.
Delaware blood.)
-----X

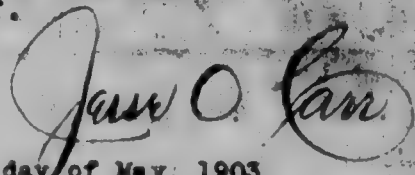
James Washington, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. James Washington.
- Q. How old are you? A. Well, I don't know exactly whether I am 37 or 38, I think I am 38 years old this May.
- Q. You are a Delaware by blood? A. Yes, sir.
- Q. How long have you lived in the Cherokee Nation? A. I have lived here very near all my life.
- Q. Have you for a nephew named Albert? A. Yes, sir.
- Q. How long has he lived in the Cherokee Nation? A. He was born here, lived here all his life.
- Q. He is your nephew, not your son? A. He is my nephew.
- Q. Who was his father? A. His father was named John Washington. He is dead. His father and mother both dead.
- Q. Were they both Delawares? A. No, just my brother.
- Q. John? A. Yes, sir.
- Q. Had John Washington, his father, lived in the Cherokee Nation all his life? A. Yes, sir.
- Q. This boy is living with you? A. No, sir; he is living with my brother. I took him when I was keeping house, until my wife died.
- Q. How old is he now? A. I guess he is about 13 or 4. I don't know just his age.

-----X

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 16th day of May, 1903.

Samuel Foreman
Notary Public.

JOR
Delaware No. 1.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., Dec/ 4, 1903.

In the matter of the application of JAMES WASHINGTON,
for enrollment of himself and nephew, Albert Washington, as Dela-
ware citizens of the Cherokee Nation.

JAMES WASHINGTON, being sworn and examined, testified as
follows:

- Q What is your name? A James Washington.
Q How old are you? A I am 38 years old.
Q What is your postoffice? A Fairland----Cleora, I. T., now.
Q You are a Delaware citizen by blood of the Cherokee Nation are
you? A Yes sir.
Q Did you come from Kansas with the Delawares in 1868? A Yes sir.
Q Does your name appear upon the Register of Delawares who came at
that time? A Yes sir.

COMMISSION:

From an examination of the Register made in 1867, of
Delaware Indians who elect to remove to the Cherokee nation, it is
found that James Washington, is identified thereon as James Washing-
ton, No. 576.

- Q Have you resided in the Cherokee Nation continuously since you
came from Kansas with the Delawares? A Yes sir, lived right here
all the time.
Q Never made your home anywhere else? A No sir.
Q You have a nephew named Albert Washington? A Yes sir.
Q Is that child living? A Yes sir, he's living.
Q That child lives with your brother? A Yes sir, with my brother
here.
Q That's the child of John and Florie Washington? A Yes sir.
Q John Washington, is that your brother? A Yes sir.
Q He's dead is he? A Yes sir.
Q Did he come from Kansas with the Delawares? A Yes sir.
Q Did he reside in the Cherokee Nation continuously until the time
of his death after he come here? A Yes sir.
Q He was married to Florie Washington was he? A Yes sir.
Q She was a white woman? A Yes sir.
Q They lived together and were recognized as husband and wife?
A Yes sir.
Q This Albert is their child? A Yes sir.
Q He has made his home in the Cherokee Nation all of his life has
he? A Yes sir.

R. Palmer, being sworn, states that as stenographer to the Commis-
sion to the Five Civilized Tribes, he recorded the testimony and
proceedings had in the above case, and the foregoing is a true and
correct transcript of his stenographic notes thereof.

R Palmer

Subscribed and sworn to before me this 11th day of December, 1903.

Samuel E. ...
Notary Public.

Cher 10397

Flora D. Armstrong

Trans. from Delaware No. 3
(Old Series).

Cher 10397



a. 113

unpublished and again to be recorded in this year's annual report, 1891.

original manuscript. The report of the Commission to the Five Civilized Tribes, dated August 1, 1891, states that as a result of the investigation of the Commission to the Five Civilized Tribes, the following steps have been taken:

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

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~~ACTING CHAIRMAN~~

COMMISSIONER

COMMISSIONER

(1891) G. W. PROCTOR, 1891.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 17th, 1896.

In the matter of the application of Benjamin F. Armstrong for the enrollment of himself, his wife and children as Cherokee citizens.

The said Benjamin F. Armstrong, being duly sworn by Commissioner G. R. Breakinridge, testified as follows:

- Q What is your full name? A Benjamin F. Armstrong.
Q How old are you? A Thirty-six.
Q What is your post office? A Grove, I. T.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A My wife, myself and baby.
Q Do you apply for yourself as a Cherokee by blood? A No, sir, by adoption.
Q Do you apply for your wife as a Cherokee by blood? A Yes, sir.
Q Have you a marriage license and certificate? A Yes, sir.

THE COMMISSIONER: The applicant presents a duly authenticated Cherokee license and marriage certificate. The license issued by the Clerk of Delaware District and dated March 20th, 1896, authorizing his marriage to Miss Flora Lundy. The certificate shows that they were united in marriage on the 24th day of March, 1896, by the Rev. N. B. Scruggs. These documents are filed herewith.

- Q Give me your wife's present name, please? A Flora D. Armstrong.
Q How old is your wife now? A I believe she is twenty-three or twenty-four.
Q She is on the eighty roll as Lundy, is she? A Yes, sir.
Q And on the 1896 roll under your name? A Yes, sir.
Q Was she in the Delaware District in 1890 and 1896? A Yes, sir.
Q Is she a native of the Cherokee Nation? A Yes, sir.
Q Has she lived here all her life? A Yes, sir; she was born here.
Q What is your child's name? A Carroll McFingley.
Q How old is the child? A He lacks a little of being three years old.
1880 roll, page 279, No. 1591, Flora D. Lundy, Delaware District.
1896 roll, page 618, No. 1, Flora D. Armstrong, Delaware District.
1896 roll, page 554, No. 6, Ben Frank Armstrong, Delaware District.

THE COMMISSIONER: The applicant applies for the enrollment of himself, his wife and one child. His wife is identified on the rolls of 1880 and 1896 as an adopted Delaware. Her name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as a Cherokee by blood. The applicant is shown to have been married to his wife in 1896; is identified on the roll of 1896; his marriage is too late under the Cherokee law to enable him to acquire the rights of Cherokee citizenship; and the application for his enrollment at this time is rejected.

The child, Carroll M., is too young to be upon any roll. When the Commission is supplied with a proper certificate of the birth of this child, it also will be enrolled as a Cherokee citizen by blood.

Applicant excused.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and other proceedings in this application, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

(Signed) W. S. Wellsham,

Subscribed and sworn to before me this 28th day of September
A. D. 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

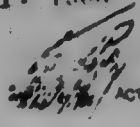
Subscribed and sworn to before me this 15th day of November, 1901.

Arthur G. Croninger
M. D. Moore
Natany D. ...
Commissioner

1034

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 17 1900



ACTING CHAIRMAN

Del 3

DELAWARE,

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 17 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

1 Wife's name Flora D. Armstrong, Grove St.

District DELAWARE. Year 1880 Page 279 No. 1521

Citizen by blood Yes Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Filed SEP 17 1900 Certificate Filed SEP 17 1900

Names of Children:

Names of Children:	Dist.	Year	Page	No.	Age
2 <u>Carl M. Armstrong</u>	<u>Delaware</u>	<u>1880</u>	<u>279</u>	<u>1521</u>	<u>3</u>
<u>Carroll</u>
.....
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#1 On 1880 roll as Flora D. Lundy
* 2 Affidavit of birth to be supplied
Marriage license and certificate attached

Delaware #3

10397

20

IN RE

Application for Enrollment of

INFANT CHILD

Carroll M. Armstrong

as a citizen of the

Cherokee Nation.

Approved. SEP 17 1900

M. M. ...

Commissioner.

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 17 1900

Vol 3

*Delaware
Card No 3*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Cherokee* Nation,
 of *Carroll Mc Armstrong*, born on the *22* day of *November*, 1897
(Here insert name of child.)
 Name of Father: *Benjamin F. Armstrong*, a citizen of the *Cherokee* Nation.
 Name of Mother: *Flora D. Armstrong*, a citizen of the *Cherokee* Nation.
 Postoffice: *Grove - Ind. July*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,
Delaware District.)

I, *Flora D. Armstrong*, on oath state that I am *23*
 years of age and a citizen, by *Blood* of the *Cherokee* Nation;
 that I am the lawful wife of *Benjamin F. Armstrong*, who is a citizen, by
Intermarriage of the *Cherokee* Nation; that a *Male* child was
(male or female)
 born to me on the *22* day of *November*, 1897; that said child has been
 named *Carroll Mc. Light Armstrong*, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses)
David Pearson
Rosa E. Fouat

Flora D. Armstrong

Subscribed and sworn to before me this *02nd* day of *July*, 1900

J. S. Reman
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,
Delaware District.)

I, *Lucinda Miller Cherokee Woman*, on oath state that I
 attended on Mrs. *Flora D. Armstrong*, wife of *Benjamin F. Armstrong*,
 on the *22* day of *November*, 1897; that there was born to her on
 said date a *Male* child; that said child is now living and is said to have been
(male or female)
 named *Carroll Mc. Light Armstrong*

WITNESSES TO MARK:

(Must be Two Witnesses)
David Pearson
Rosa E. Fouat

Lucinda Miller
mark

Subscribed and sworn to before me this *12th* day of *July*, 1900

J. S. Reman
NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

William Lunday Armstrong
as a citizen of the

Delaware Nation.

[Handwritten signature]
Commissioner.

COMMISSIONER C 166

JUN 14 1902

CHARMA

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Delaware - Nation,
 of William Sunday Armstrong born on the 30 day of May, 1902
 (Here insert name of child)
 Name of Father: B. F. Armstrong, a citizen of the United States Nation.
 Name of Mother: Florida Armstrong, a citizen of the Delaware Nation.
 Postoffice, Grove, Ind. Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

Norman District.)

I, Florida D. Armstrong, on oath state that I am 25 years of age and a citizen, by birth of the Delaware Nation; that I am the lawful wife of B. F. Armstrong, who is a citizen, by birth of the United States Nation; that a male child was

born to me on the 30 day of May, 1902 that said child has been named William Sunday Armstrong and is now living.

WITNESSES TO MARK

Florida D. Armstrong

(Must be Two Witnesses)

Subscribed and sworn to before me this 2 day of June 1902
My Commission Expires May 14 - 1905. Samuel J. Sayer
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

District.)

I, Robt. L. Caldwell, a physician, on oath state that I attended on Mrs. Florida Armstrong, wife of B. F. Armstrong, on the 30 day of May, 1902 that there was born to her on said date a male child; that said child is now living and is said to have been named William Sunday Armstrong.

WITNESSES TO MARK

Dr. Robt. L. Caldwell

(Must be Two Witnesses)

Subscribed and sworn to before me this 2 day of June 1902
My Commission Expires May 14 - 1905. Samuel J. Sayer
 NOTARY PUBLIC.

- Q What is your name? A Flora D. Armstrong.
- Q How old are you? A Twenty-six.
- Q What is your postoffice? A Dewey, Indian Territory.
- Q You are a Delaware by blood, are you? A Yes sir.
- Q How long have you been living in the Cherokee Nation? A All my life.
- Q What is your husband's name? A Benjamin F. Armstrong.
- Q Is he an Indian? A No sir.
- Q He is a white man? A Yes sir.
- Q When were you married to him? A In '96.
- Q Have you been living together in the Cherokee Nation since '96? A Yes sir.
- Q That has been your home ever since you were married? A Yes sir, and at Grove.
- Q And lately you moved to Dewey? A Yes sir, been living there two months.
- Q Your husband is not claiming citizenship? A No sir.
- Q How many children have you? A Two.
- Q Carroll McF. and William L.? A Yes sir.
- Q Both children living? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Delaware # 3.

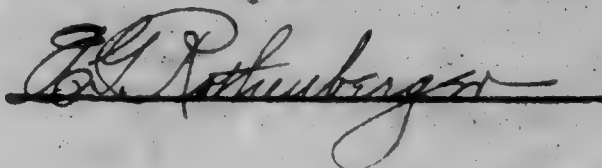
Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., May 6, 1903.

In the matter of the application of Flora B. Armstrong for the enrollment of herself and her children, Carroll McT., and William L. Armstrong, as citizens of Delaware blood of the Cherokee Nation.

Flora B. Armstrong, being duly sworn, and examined by the Commission, testified as follows:

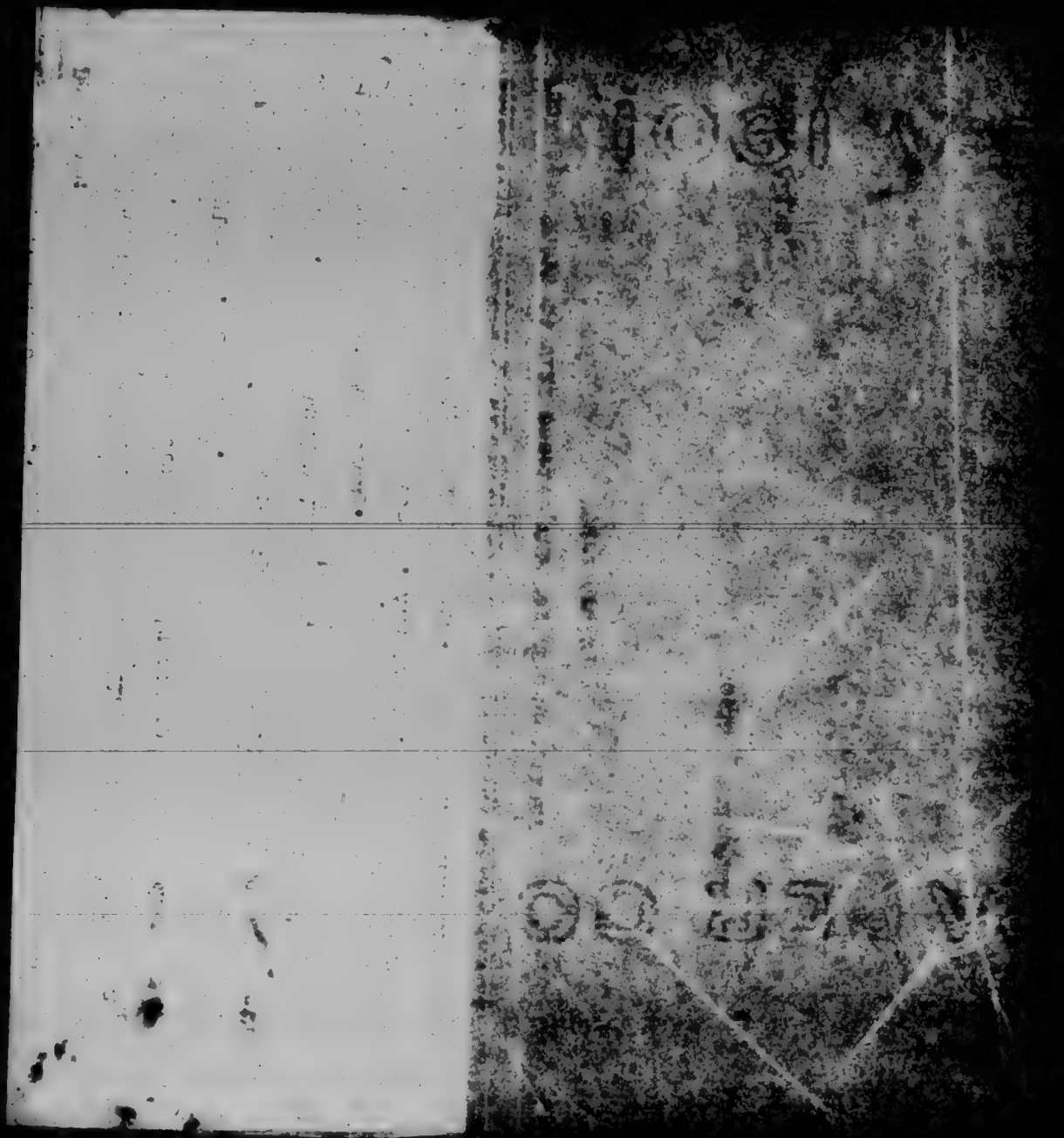
- Q What is your name? A Flora B. Armstrong.
Q How old are you? A Twenty-six.
Q What is your postoffice? A Dewey, Indian Territory.
Q You are a Delaware by blood, are you? A Yes sir.
Q How long have you been living in the Cherokee Nation? A All my life.
Q What is your husband's name? A Benjamin F. Armstrong.
Q Is he an Indian? A No sir.
Q He is a white man? A Yes sir.
Q When were you married to him? A In '96.
Q Have you been living together in the Cherokee Nation since '96? A Yes sir.
Q That has been your home ever since you were married? A Yes sir, and at Grove.
Q And lately you moved to Dewey? A Yes sir, been living there two months.
Q Your husband is not claiming citizenship? A No sir.
Q How many children have you? A Two.
Q Carroll McT. and William L.? A Yes sir.
Q Both children living? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 15th day of May, 1903.


Notary Public.



201, 2

Muskogee, Indian Territory, June 7, 1902.

D. F. Armstrong,
Grove, Indian Territory.

Dear Sir:

When application was made for the enrollment of your wife as a citizen of the Cherokee Nation the Commission was advised that her name was Flora D. Armstrong.

The Commission is now in receipt of an affidavit as to the birth of your child, William Lindsay Armstrong, in which the name of your wife appears as Flora Armstrong.

If her correct name is Flora D. Armstrong it must so appear throughout the affidavit, which is enclosed herewith. When the correction referred to has been made return it to the Commission at Muskogee, where it will receive further consideration.

Yours truly,

Acting Chairman.

Encl. C-108.

3

1 Flora D Armstrong 23, 80, 96

2 Corvel M^{rs} J. 3.

3 Ser

4

Benjamin
Farrington

Sept 17/00

Grave

2 Prof.

Cher 10398

Lewis Lunday

Trans. from Delaware No. 4

(Old Series)

Cher 10398

Del. 4 a

COMM. SEC.

SEP 21 1890

ACTING CHAIRMAN

RECEIVED
SEP 21 1890
U.S. DEPT. OF AGRICULTURE
WASHINGTON

TO THE SECRETARY OF AGRICULTURE
WASHINGTON
FROM THE
U.S. DEPT. OF AGRICULTURE
WASHINGTON

TO THE SECRETARY OF AGRICULTURE
WASHINGTON
FROM THE
U.S. DEPT. OF AGRICULTURE
WASHINGTON

APPLICANT IS A DELAWARE, ALSO CHILDREN.

Department of the Interior,
Commission to the Five Civilized Tribes,
vinita, I. T., September 19, 1900.

In the matter of the application of Edward E. Lunday for the enrollment of himself, wife and children as Cherokee citizens (By Delaware Blood) being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Edward E. Lunday.
Q What is your age? A Thirty-eight years.
Q What is your post-office address? A Klaus.
Q What is your district? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood; I am an adopted Delaware.
Q For whom do you apply? A Myself wife and two children.
Q What is the name of your father? A Robert Lunday.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Louisa.
Q Is she living? A No sir, she is dead.
Q What is the name of your wife? A Josephine.
Q Citizen by blood? A Yes sir.
Q What was her name before you married her? A Ralston.
Q How old is she? A Thirty-four.
Q Is she a Cherokee by blood or a Shawnee? A She is Cherokee.
Q What degree of blood? A Thirty-second I think.
Q Is she now living? A Yes sir.
Q When did you marry her? A 1884 I believe.
Q Have you been living with her continuously since you married?
A Yes sir.
Q What is the name of her father? A Lewis Ralston.
Q Is he living? A Yes sir.
Q What is the name of her mother? A Eliza Ralston.
Q Is she living? A Yes sir.
Q What are the names of your children? A Lewis Lunday, fifteen years old; Rosa Lunday, twelve years old.
Q Only two? A That's all.
Q Are these children alive and living with you? A Yes sir.
1880 roll page 279 #1516 Edward E. Lundy Delaware District;
Applicant: My wife is not the roll of 1880
Q What proof have you got of her citizenship then, are her mother and father on the roll of 1880? A I don't know; they are here I think.

1896 roll page 622 #45 Edward E. Lundy Delaware Dist;
1896 roll page 495 #1824 Josephine Lunday Delaware "
1896 roll page 495 #1825 Lewis Lunday Delaware "
1896 roll page 495 #1826 Francis R. Lunday Delaware "

Q Is her name Francis R. ? ~~Mr~~ Rosa is her name.

Q What about your wife, have you satisfactory proof of your marriage to her? A No sir, I married under Cherokee law.

Note: There is a note on the 1896 roll opposite the wife's name, saying, "Daughter of Lewis Ralston; her name does not appear upon Mr. Ralston's ~~list~~ certificate of admission.

LEWIS RALSTON, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Lewis Ralston.
Q What is your age? A Sixty-three.
Q What is your post-office address? A Needmore.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q You know Edward E. Lunday? A Yes sir.
Q You know Josephine Ralston? A Yes sir.

- Q Do you know whether they were ever married or not?
A Yes sir.
Q How do you know that? A I was present when they were married.
Q Who married them, do you recollect? A Postell, a brother-in-law of mine.
Q Is he living? A Yes sir, I suppose so, I haven't seen him for a number of years.
Q He a minister was he? A Yes sir, he was a minister.
Q Have Edward Lunday and his wife been living together since their marriage as husband and wife continuously? A Yes sir, they have.

Examined by Cherokee Representative W.W. Hastings:

- Q When was that? A I don't remember the date; it has been a number of years ago. Something like fifteen years ago.

Com'r Needles: The name of Edward E. Lunday appears upon the authenticated roll of 1880 as a Delaware Indian citizen of the Cherokee Nation, and the name of his wife, Josephine, appears upon the census roll of 1896, as well as his own name; the names of his children, Lewis and Rosa appear upon the census roll of 1896; he presents satisfactory proof as to his marriage to said Josephine Ralston in the year 1884; and he has been living with her continuously as man and wife since that date; he and his children being duly identified upon the roll as indicated in the testimony, as well as his wife, and they having made satisfactory proof as to their residence, the said Edward E. Lunday and his children, Lewis and Rosa will be duly listed for enrollment by this Commission as Cherokee citizens by blood; and his wife, Josephine, as a Cherokee citizen by intermarriage.

Note by stenog: As wife's Cherokee blood could not be established, it was determined to enroll her as a Cherokee citizen by intermarriage.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this 21 day of September 1900.

C. M. ...

Commissioner.

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Cherokee Land Office,
 Tahlequah, I.T., November 12, 1903.

In the matter of the application of EDWARD E. LUNDAY for the enrollment of himself and children, LEWIS and ROSA, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

ANDREW H. NORWOOD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Andrew H. Norwood.
- Q How old are you? A 53 years old; and reside at Dewey, I.T.
- Q You are a citizen by intermarriage, are you? A Yes sir; I became by a marriage to a Cherokee; my first wife was a Cherokee and my last wife a Delaware.
- Q How long have you lived in the Cherokee Nation? A 33 years.
- Q Do you know Edward E. Lunday? A I do.
- Q About how old is he? A Well, he's between 25 and 30 years I should think.
- Q Do you think he would be as old as 41? A I don't think he would; he might be.
- Q The man I refer to is the son of Bob Lunday? A Yes, he's the son of Bob Lunday; he may be 41, but I wouldn't take him to be that old.
- Q Where does he live? A Out on Horse Creek; I don't know just what his postoffice is. It is one of those little country post-offices out there.
- Q How long have you known him? A At least 25 years.
- Q Has he lived in the Cherokee Nation ever since you've known him?
- A Yes sir.
- Q Is he living here now? A Yes sir.
- Q Do you know whether he's married? A He's married.
- Q Do you know his wife? A I've seen her, but I don't know anything about her nor the children.
- Q Has she lived in the Cherokee Nation ever since they were married?
- A I am not sure, still I think she has; I've passed by their house.
- Q Do you know how many children they have? A No, I don't.
- Q Of your own personal knowledge, you can only testify as to the residence of Edward E. Lunday himself? A That's it.

 Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me this 27th day of November, 1903.

Samuel Forman

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of EDWARD E. LUNDAY for the enrollment of himself and his children, LEWIS and ROSA, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I'm 60 years old.
Q What is your postoffice address? A Ketchum.
Q You are a citizen by intermarriage of the Cherokee Nation, are you not? A Yes sir.
Q How long have you been a citizen by intermarriage? A I was married in '72.
Q You are a member of the Cherokee Senate, are you not? A Yes sir.
Q Do you know Edward E. Lunday? A Yes sir.
Q About how old is he? A Why, I'd take him to be somewhere in 40.
Q What is his postoffice address? A I can't tell you.
Q It's Chlosta, isn't it? A Yes sir.
Q Is he married? A Yes sir.
Q What is his wife's name? A Why, she was a Ralston before she was married.
Q Edward E. Lunday claims to be a Delaware and his wife is a Cherokee? A Yes sir.
Q How long have you known him and his wife? A Why, I've known Ed-- got acquainted with him in '72, about 31 years I reckon.
Q How long have you known his wife? A Well, let's see, I guess about '78 along there.
Q Have both of them lived in the Cherokee Nation ever since you've known them? A Yes sir.
Q Are they living in the Cherokee Nation now? A Yes sir.
Q Have they some children? A Yes, they've got a family.
Q How many? A Well sir, I don't know; it's about 8 miles from where I live.
Q Do all their children live with them? A Why, I think so.
Q And have lived with their parents all their lives? A I think so; as far as I know they have.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me
this 18th day of December, 1903.

Mabel F. Maxwell
Samuel Forman
Notary Public.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

General L. J. ...
...
...

DEC 21 1903

CHARLES

JOR
Delaware 4.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., Dec. 4, 1903.

In the matter of the application of EDWARD E. LUNDAY, for the enrollment of himself and children, Lewis and Rosa Lunday, as Delaware citizens of the Cherokee Nation.

EDWARD E. LUNDAY, being sworn and examined, testified as follows:

- Q State your name? A Edward E. Lunday.
Q How old are you? A 41 years old.
Q What is your postoffice? A Cleora, I. T. Its given there as Klaus.
Q You are a Delaware citizen of the Cherokee Nation are you?
A Yes sir.
Q Did you come from Kansas with the Delawares in 1868? A Yes sir.
Q Does your name appear upon the Register of Delawares who came at that time? A Yes sir.

COMMISSION:

From an examination of the Register made in 1867, of Delaware Indians who elect to remove to the Cherokee Nation, it is found that the applicant, Edward E. Lunday, is identified thereon as Edward E. Lundy, No. 873.

- Q Have you resided in the Cherokee Nation continuously since you came here with the Delawares? A Yes sir.
Q Never made your home anywhere else at all? A No sir, haven't been out of the Territory longer than a month since.
Q Your wife is named what? A Josephine.
Q She's living is she? A Yes sir.
Q You and she are living together? A Yes sir.
Q Has she resided in the Cherokee Nation continuously since you and she were married? A Yes sir.
Q And you and she have lived together continuously since you were married? A Yes sir.
Q She's a Cherokee by blood is she? A Yes sir.
Q Has she resided in the Cherokee Nation continuously all of her life? A No sir, she come here in 1880.
Q Was she admitted at that time? A Yes sir.
Q Has she resided in the Cherokee Nation continuously since that time? A Yes sir.
Q You have children, Lewis and Rosa? A Yes sir.
Q Are both of those children living? A Yes sir.
Q Both living with you are they? A Yes sir.
Q Neither of them married? A No sir.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 11th day of December, 1903.

Samuel Foreman
Notary Public.

Cher 10399

Charles J. Marker

Trans. from Delaware No.5
(Old Series)

Cher 10399

Del. 5
a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 22 1900

[Handwritten signature]
ACTING CHAIRMAN

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
WINTHA, I. T., SEPTEMBER 20th, 1900.

THE NAME OF THIS APPLICANT OF John D. Marker, wife and child and grand child for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your own name? A John D. Marker.
Q How old are you? A Seventy five.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A I am a registered Delaware.
Q For whom do you apply for enrollment? A Myself, wife, one child and a grand daughter.
Q What is the name of your wife? A Jane Marker.
Q How old is she? A Fifty six.
Q When did you marry her? A In 1866.
Q Is she a white woman? A No sir; she is a Delaware.
Q Her father and mother are not living? A Her mother is living.
Q What is her mother's name? A Mary Half.
Q What is her father's name? A Willbuck.
Q What is his first name? A I do not know.
Q Did he die before 1860? A Yes sir.
Q What is the name of your child? A Charles J. Marker.
Q How old is he? A Seventeen.
Q Next one? A Flora Etta Rogers is my grand child.
Q How old is she? A Six years.
Q She is your grand child? A Yes sir.
Q What is her father's name? A Rogers.
Q His first name? A James.
Q Is he living? A Yes sir.
Q Why don't you enroll his own child? A That child was born out of wedlock, and I enrolled it in 1896 myself, and I was compelled to give it some name.
Q What is her mother's name? A Rogers now; he married her about two years after the birth of the child; Martha Rogers.
Q What was her name before he married her? A Martha Marker.
Q Was she your daughter? A Yes sir.
Q What is her mother's name? A Jane.
Q Is your wife living? A Yes sir.
Q Is she a Delaware? A Yes sir.
Q You were a white man? A Yes sir.
Q You said you were a Delaware? A I said a registered Delaware.
Q What was your wife's name before you married her? A Connor.
Q (1890 Roll, Page 291, #1821, John D. Marker, Delaware District)
Q (1890 Roll, Page 291, #1822, Jane Marker, Delaware District)
Q (1896 Roll, Page 521, #342, John D. Marker, Delaware District)
Q (1896 Roll, Page 673, #64, Jane Marker, Delaware District)
Q (1896 Roll, Page 625, #67, Charles J. Marker, Delaware District)
Q (1896 Roll, Page 626, #68, Flora E. Marker, Delaware District)
Q Are these children living and living with you? A Yes sir.
Q Both of them? A Yes sir.
Q How long have you and your wife lived in the Cherokee Nation?
A Moved here in 1863.
Q Have you lived here ever since? A Yes sir.

The name of John D. Marker appears upon the authenticated roll of 1860, as an intermarried white; his wife, Jane Marker appears upon said roll, as a Delaware; Their names also appear upon the census rolls of 1896. The name of his child, Charles J. appears upon the census roll of 1896, as well as the name of his grand daughter, Flora E. Marker, whose name should be Flora E. Rogers. The said John D. Marker will be duly listed for enrollment by this Commission, as an intermarried Delaware, and his wife, Jane Marker, his child, Charles J. and his grand child, Flora E. Rogers will be duly listed for enrollment by this Commission as Delaware Indians by blood, all having made satisfactory proof of their residence, and being duly identified upon the roll of the Cherokee Indians.

COMMISSIONER TO THE UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

The undersigned, John, states that as stenographer to the
Commission to the Civilized Tribes, he correctly recorded the
testimony and depositions in this case, and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

John

Subscribed and sworn to before me
this 22nd day of September, 1903.

[Signature]

COMMISSIONER.

Copy

CHEROKEES BY BLOOD AND ADOPTION.

Date *Sept. 22* 1900

Name *Vieta J. S.*

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name *56 Jane Marker*

District *Delaware* Year *1880* Page *291* No. *1827*

Citizen by blood *yes* Mother's citizenship *Delaware*

Intermarried citizen _____
parents { Millie Bush, Mary Hall

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Names of Children: | Dist. | Year | Page | No. | Age |
|--------------------------|-------|-------|-------|-------|-------|
| <i>2 Charles E. Hall</i> | _____ | _____ | _____ | _____ | _____ |
| <i>3 Flora E. Hall</i> | _____ | _____ | _____ | _____ | _____ |
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Parents of Flora Etta ~~Roll~~ Rogers { *Myrtha Marker, James Rogers*

No. 8. on 1896 Roll as Flora E. Marker

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Delaware #5.

JR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.

In the matter of the application of John D. Marker, for the enrollment of himself, his wife, Jane, and child, Charles J. Marker, and for the enrollment of his grand daughter, Flora B. Rogers, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant and his wife are duly identified upon said Register as follows:

John D. Marker, as John D. Marker, No. 983.
Jane Marker, as Jane Haff, alias, Jane Carleton, No. 941.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

C. R. Buckner
Commissioner

RP

Cher 10400

Mary T. Stephenson


Trans. from Delaware No. 6
(Old Series)

Cher 10400

Del. #6 A
Del. 6

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900



HENRY C. SHERMAN

AMERICAN FIRST NATIONAL BANK
CITY OF NEW YORK
RECEIVED
SEP 24 1900
FOR DEPOSIT TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 20, 1900.

In the matter of the application of Mary T. Stephenson for enrollment as a citizen of the Cherokee nation, said Stephenson being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Mary T. Stephenson.
Q How old are you? A 50.
Q What is your postoffice? A Ketchum.
Q What district do you live in? A Ketchum, Delaware.
Q Who do you want to have put on the rolls? A Myself.
Q Are you a Cherokee citizen by blood? A I am a Delaware.
Q How long have you lived in the Cherokee Nation? A 24 years.
Q Are you on the roll of '80? A Yes.
Q And '96? A Yes.
Q What was your husband named? A Andrew Stephenson.
Q He is dead? A Yes.

Applicant on '80 roll, page 317, number 2400, as Mary C. Stephens.

Applicant's deceased husband on '80 roll, page 317, number 7399.

Applicant on '96 roll, page 624, number '80 as Stephens.

Applicant's husband on '96 roll, page 588, number 474.

The applicant is identified on the rolls of '80 and '96 as an adopted Delaware. She is identified with her husband through the variations that occur in her own name. Her husband is dead. She has lived in the Cherokee nation ever since her enrollment in '80 and she will be listed now for enrollment as an adopted Delaware.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

B. M. Edwards
Subscribed and sworn to before me this 24th day of September,
1900.

J. H. S.
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1900



ACT'N: CHAIRMAN

A. C. G.

CHEROKEES BY BLOOD AND ADOPTION.

Date

SEP 20 1900

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Mary T. Stephenson, Ketchum 29

District

DELAWARE.

Year

Page

No.

1890 Page 317 No. 2400

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|------|------|-----|-----|
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| Dist. | Year | Page | No. | Age |
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Carl H. Robinson & Mary C. Stephens.

An Act to Admit Mary Ann Tibble and others to Citizenship.

Be it enacted by the National Council that Mary Ann Tibble, wife, and R. W. C. Tibble, son and Francis O. Brown, daughter, of Henry Tibble, a Delaware Indian, and a citizen of the Cherokee Nation, be, and they are hereby admitted to citizenship in the Cherokee Nation; Provided, that the said Mary Ann Tibble and R. W. C. Tibble and Francis O. Brown first pay into the Treasury of the Cherokee Nation the sum of Two Hundred and Eighty-five Dollars each.

November 30, 1878.

Approved,

Charles Thompson,
Principal Chief,
Cherokee Nation.

---00000000---

Executive Department,
Cherokee Nation,
Tahlequah, Ind. Terry.

I, C. J. Harris, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true, complete and full copy of an Act of the National Council approved Nov. 30, 1878, by the Principal Chief of the Cherokee Nation, as the same appears of record; said records being on file in this office and in my custody.

In witness whereof I have hereunto set my hand and affixed the seal of the Cherokee Nation, this December 8, 1903.


Asst. Executive Secretary.

DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS

In the matter of the application of Mary T. Tibble,
 et al., for enrollment as citizens of the Cherokee Nation of Dela-
 ware blood, consolidating the applications of,

| | | |
|--------------------------------|----------|-----|
| Mary T. Tibble, | Delaware | 8; |
| Mary T. Stephenson, | Delaware | 8; |
| Roseanna F. Connor, et al., | Delaware | 9; |
| Freddie S. Stephenson, et al., | Delaware | 10; |
| Mary A. Gallman, et al., | Delaware | 14; |
| John M. Stephenson, et al., | Delaware | 27; |
| Frances G. Brown, et al., | Delaware | 50. |

The record in these cases shows that on September 21,
 1900, Mary T. Tibble appeared before the Commission at Vinita,
 Indian Territory, and made application for the enrollment of her-
 self and her children as citizens of the Cherokee Nation of Dela-
 ware blood. Further proceedings were had in the matter of said application at
 Vinita, Indian Territory, on December 4, 1903:

That on September 21, 1900, Mary T. Stephenson appeared be-
 fore the Commission at Vinita, Indian Territory, and made applica-
 tion for the enrollment of herself and her children as citizens of the Cherokee
 Nation of Delaware blood. On December 4, 1903, an affidavit was
 filed with the Commission showing the death of said Mary T.
 Stephenson, et al., and said affidavit is made part of
 this report.

That on September 21, 1900, Roseanna F. Connor appeared be-
 fore the Commission at Vinita, Indian Territory, and made applica-
 tion for the enrollment of herself and her children, Annie G.
 and Walter F. Connor, as citizens of the Cherokee Nation of Dela-
 ware blood. Further proceedings were had in the matter of said
 application at Vinita, Indian Territory, on December 4, 1903:

That on September 21, 1900, Freddie S. Stephenson appeared be-
 fore the Commission at Vinita, Indian Territory, and made applica-
 tion for the enrollment of herself and her children, Freddie
 and Walter Stephenson, as citizens of the Cherokee Nation of Dela-
 ware blood:

That on September 21, 1900, Mary A. Gallman appeared before
 the Commission at Vinita, Indian Territory, and made application
 for the enrollment of herself and her children, Claude M., Mable A.,
 and Henrietta Gallman, as citizens of the Cherokee Nation of Dela-
 ware blood. The application also included the husband of said
 Mary A. Gallman, but he is differently classified and is not en-
 rolled in this decision:

That on September 21, 1900, John M. Stephenson appeared before
 the Commission at Vinita, Indian Territory, and made application
 for the enrollment of himself and his wife, Jean L. Stephenson, as
 citizens of the Cherokee Nation of Delaware blood. On March 23,
 1901, a birth affidavit was filed for Mary A. Stephenson, a child

That on October 1, 1900, Frances O. Brown appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Daniel A., John J., Cora B. and Effie L. Brown, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Frances O. Brown, but he is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903.

The evidence shows that Mary A. Tiblow is of Delaware blood; that Mary T. Stephenson and Frances O. Brown are adult children of said Mary A. Tiblow, and that Rosanna S. Connor, Fannie P. Stephenson, Mary A. Gallman and John H. Stephenson are adult children of said Mary T. Stephenson.

Rosanna S. Connor was married to Silas H. Connor, a white man, now deceased, in 1864, and Kamie G. and Oliver A. Connor are the issue of that marriage. Freddie and Walter Stephenson are the minor children of Fannie P. Stephenson. Mary A. Gallman was married to Jesse M. Gallman, a white man, in 1869, and Claud M., Rubie A. and Henrietta Gallman are the issue of that marriage. Frances O. Brown was married to John A. Brown, a white man, in 1872, and Daniel A., John J., Cora B. and Effie L. Brown are the issue of that marriage.

All the adult applicants are identified on the Cherokee authenticated tribal roll of 1850, and all the applicants, excepting Walter and Henrietta Stephenson, are identified on the Cherokee Census roll of 1896. Walter and Henrietta Stephenson are identified by birth affidavits made a part of this record.

It further appears that the residence of Mary A. Tiblow, Rosanna S. Connor, Mary A. Gallman and John H. Stephenson has been in the Cherokee Nation since 1860, and that Fannie P. Stephenson was born and has resided in said Nation all her life. The residence of the minor applicants herein is considered to be that of their parents.

The evidence further shows that Mary A. Tiblow and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved November 30, 1875, and that Mary T. Stephenson and Rosanna S. Connor under the name of Rosanna Stephenson, were admitted to citizenship by an Act of the Cherokee National Council approved December 5, 1876. Each of said Acts provides that the applicants pay into the Cherokee treasury the sum of \$284.00 each, which was the per capita amount paid by the Delawares under the agreement of April 8, 1867, between the Cherokee Nation and the Delaware tribe of Indians.

There is no record evidence of the payment of such sums into the Cherokee treasury. The agreement of April 8, 1867, provides that,

"The Cherokees, parties of the first part, for and in consideration of certain payments, and the fulfillment of certain conditions hereinafter mentioned, agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 86 west longitude, in the aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon

aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon a certain register made February 18, 1867, by the Delaware agent, and on file in the office of Indian affairs, being the list of the Delawares who elect to remove to the 'Indian country' to which list may be added, only with the consent of the Delaware Council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto;"

"and in case the Cherokee lands shall hereafter be allotted among the members of said Nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 160 acres for each individual) shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation."

"On the fulfillment by the Delawares of the foregoing stipulations, all the members of the tribe, registered as above provided, shall become members of the Cherokee Nation, with the same rights and limitations, and the same participation (and no other) in the national funds, as Native Cherokees, save as hereinbefore provided."

It is the opinion of this Commission that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rosanna S. Connor acquired under the Act of the Cherokee National Council, above referred to, all the rights and privileges of Cherokee citizenship; that the children born to them subsequent to the date of their admission take the status of their parents, and that, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 30, 1898 (30 Stats., 495), the said Mary A. Tiblow, Rosanna S. Connor, Annie G. Connor, Oliver A. Connor, Fannie Y. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Gailman, Claud M. Gailman, Annie A. Gailman, Henrietta Gailman, John A. Stephenson, Frances O. Brown, Daniel K. Brown, John J. Brown, Cora B. Brown and Effie B. Brown should be enrolled as citizens of the Cherokee Nation, with all the rights of Cherokees by blood, and it is, therefore, so ordered.

It is further ordered by the Commission that the application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, should be and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Neecles
Commissioner.

(Signed) C. B. Breckinridge
Commissioner.

Muskogee, Indian Territory,
May 16 1896.

Tahlequah, I. T. May 27th 1904.

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

Gentlemen:

You are hereby advised that the Cherokee Nation does not desire to file a protest against the decision of the Commission of date May 16th 1904 in the matter of the application of Mary A. Tiblow et al for enrollment as citizens of the Cherokee Nation of Delaware blood consolidating the applications of,

| | | |
|----------------------------|----------|-------|
| Mary A. Tiblow ----- | Delaware | \$6. |
| Mary T. Stephenson | Del. | \$6. |
| Roseanna S. Gentry et al | Del. | \$9. |
| Fannie F. Stephenson et al | Del. | \$10. |
| Mary A. Callman et al | Del. | \$12. |
| John H. Stephenson et al | Del. | \$27. |
| Frances O. Brown et al | Del. | \$30. |

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Sherokee
18400 & 18408

Waskagee, Indian Territory, June 7, 1904.

Mary A. Gallman,
Catoosa, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of Wm. Commissioner's decision dated May 16, 1904, granting, among others, your application for the enrollment of yourself and your three minor children, Claud H., Rubie A. and Henrietta Gallman, and dismissing the application for the enrollment of your mother, Mary T. Stephenson, as citizens of the Cherokee Nation of Delaware blood.

Respectfully,

Encl. V-2

Register.

Chairman

COPY.

Muskogee, Indian Territory, January 10, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Mary A. Tiblow, et al., as citizens of the Cherokee Nation of Delaware blood, including the Commission's decision dated May 16, 1904, granting said applications; also the motion of Mary A. Tiblow, et al., to re-open said case as to them and modify the judgment heretofore rendered and render a judgment, according to each of them as citizens of the Cherokee Nation, all the rights of registered Delawares, together with the Commission's decision dated January 7, 1908, denying said motion.

Respectfully,

SIGNED:

Tams Dixby
Chairman.

Encl. 00-79.

(Copy)

Refer in reply to
the following:

Land.
5404-1905.
15,069-1905.

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

March 23, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 10, 1905, transmitting the record relative to the application of Mary A. Tiblow, et al., for enrollment as citizens of the Cherokee Nation, of Delaware blood; also motion of Mary A. Tiblow, et al., to reopen said case and modify the judgement of the Commission rendered in said case and render a judgement according to each of them, as citizens of the Cherokee Nation, all rights of registered Delawares, together with the Commission's decision of January 7, 1905, denying the motion.

There is also enclosed a communication from W. H. Korstgen, Attorney for the applicants, transmitting brief on behalf of the applicants in this case and certain other applicants mentioned in his brief and in his communication.

The parties to this case are as follows: Mary A. Tiblow, Mary T. Stephenson, Rosanna S. Conner, Mamie G., Oliver A. Conner, Fannie F. Stephenson, Freddie and Walter Stephenson, Mary A. Gallman, Glend M., Buba A., and Henrietta Gallman, John H.

Stephenson, Rosa L, Stephenson, Mary A. Stephenson, Frances O Brown, Daniel R., John J., Cora B., and Effie L. Brown. Certain other persons were also applicants as intermarried citizens, but as they are differently classed, they are not included in the Commission's decision. Mary A. Stephenson, child of John H., and Rosa L. Stephenson, was born since the date of the application. Rosa L. Stephenson is the daughter of a registered Delaware and as she and her child have a different status, their rights were separately considered by the Commission, and they are not included in its decision of May 16, 1904.

~~Mary Ann Tibloe (Tiblow) and others were admitted to citizenship in the Cherokee Nation by act of the National Council approved November 30, 1875. The act is as follows:~~

Be it enacted by the National Council that Mary Ann Tibloe, Wife, and R.W.C. Tibloe, son and Francis O. Brown, daughter, of Henry Tiblow, a Delaware Indian, and a citizen of the Cherokee Nation, be, and they are hereby admitted to citizenship in the Cherokee Nation; Provided, that the said Mary Ann Tibloe and R.W.C. Tibloe and Francis O. Brown first pay into the Treasury of the Cherokee Nation the sum of Two Hundred and Eighty-five Dollars each".

It will be observed that the act provides that each applicant shall pay into the Treasury of the Cherokee Nation the sum of \$285 before any rights vest under the act. There is no record evidence of the payment of said sums into the Treasury of the Cherokee Nation.

The Commission found that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rosanna S. Connor were, under the act above above quoted, entitled to all the rights and privileges of Cherokee

citizenship; that children born to them subsequent to the date of their admission take the status of their parents, and that in accordance with the existing law, Mary A. Tiblow, Rosanna S. Connor, Mamie G. Connor, Oliver A. Connor, Fannie P. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Gallman, Claud M. Gallman, Rubie A. Gallman, Henrietta Gallman, John H. Stephenson, Frances O. Brown, Daniel R. Brown, John J. Brown, Cora B. Brown and Effie L. Brown were entitled to enrollment, as citizens of the Cherokee Nation, with all the rights of Cherokees by blood. The application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, was dismissed.

On December 7, 1903, an affidavit was filed with the Commission which shows that Mary T. Stephenson died February 6, 1901. The affidavit is a part of the record in the case. The applicants admitted by the Council in 1876 claim that they are entitled to enrollment as citizens of the Cherokee Nation of Delaware blood, and that they are entitled to the same rights as registered Delawares. That their contention and the contention of their Attorney is erroneous, is too evident to admit of discussion. The Supreme Court of the United States in the case of Delaware Indians versus Cherokee Nation, (U.S. Reports 193, page 127), briefly stated, held that the registered Delawares living at the time of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made, share equally with Cherokees in the remainder of the Cherokee landed estate. Furthermore the Comptroller of the Treasury in an opinion of March 1, 1904, with

-4-

reference to whether what are known as Kansas Indians, that is Delaware Indians admitted by the Cherokee Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867, are entitled to share in the \$150,000 appropriated for the Delawares by Act of April 21, 1904, (35 Stats., 228), said:

From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and II of the treaty of July 4, 1866, supra, elected to dissolve their tribal relations, and became citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum.

In view of the holding of the Supreme Court, and considering the opinion of the Comptroller of the Treasury, just referred to, I am firmly convinced that the action of the Commission declaring the persons above named entitled to enrollment, with all rights of native Cherokees, is correct, and its approval is recommended.

There are several other cases similar to the one now transmitted pending before this Office, and in transmitting said cases this report will be referred to.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

(G.A.W.)P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.P.

LLB

D. C. 17395-1905
I.T.D. 3022-1905.
LRS.

March 31, 1905.

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

Gentlemen:

On January 10, 1905, you transmitted the record relative to the application of Mary A. Tiblow et al. for enrollment as citizens of the Cherokee Nation of Delaware blood; also a ~~motion to reopen said case and modify the judgement of your Commission rendered May 16, 1904, so that said judgement may entitle the applicants to all the rights of the Delaware tribe of Indians residing in the Cherokee Nation.~~

It appears that Mary A. Tiblow and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved November 30, 1875; that Mary T. Stephenson and Rosanna S. Connor, under the name of Rosanna Stephenson, were admitted to citizenship by an act of the Cherokee National Council approved December 5, 1876. Each of said acts provides that the applicant pay into the Cherokee Treasury the sum of \$284 each. You state in your decision that there is no record evidence of the payment of such sums into the Cherokee treasury.

It also appears that all of the adult applicants are identified on the Cherokee authenticated tribal roll of 1890, and all of the applicants excepting Walter and Henrietta Stephenson

are identified on the Cherokee census roll of 1896. Said Walter and Henrietta Stephenson are identified by birth affidavits.

May 16, 1904, you held that the applicants in this case are entitled to enrollment as citizens of the Cherokee Nation.

Subsequent to your decision a brief was filed on behalf of the applicants requesting that your Commission modify its decision so that said decision would entitle the applicants to the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

On January 7, 1905, you denied said request.

Transmitting your report March 23, 1905, the Acting Commissioner of Indian Affairs also transmitted a communication from the attorney for the applicants and brief filed by him on behalf of the applicants in this case and certain other applicants mentioned in said brief.

The Acting Commissioner invites the attention of the Department to the decision of the Supreme Court of the United States in the case of "Delaware Indians vs. Cherokee Nation," in which it was held that the registered Delawares living at the date of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made share equally with the Cherokees in the remainder of the Cherokee Landed estate. He also invites attention to the opinion of the Comptroller of the Treasury rendered March 1, 1905, relative to the right of Delaware Indians admitted by the Cherokee

Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867 to share in the \$150,000 appropriated for the Delawares by act of April 21, 1904 (33 Stat., 222), and quotes from said opinion the following:

"From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and II of the treaty of July 4, 1866, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum."

The Acting Commissioner recommends that your decision be approved. A copy of his letter is inclosed.

Under the opinion of the Comptroller of the Treasury above cited, it is clear that the applicants are not entitled to the rights of registered Delawares. Your decision is therefore approved.

Respectfully,

(Signed. E. A. Hitchcock.
Secretary.

1 inclosure.

6 Mary J Stephenson

Hetching I II

Sept 20/100

6

- 1 Mary J Stephenson 50-80-96
- 2 ...
- 3 ...

Cher 10401

John F. Minshall

Transferred from Delaware

No. 7 (Old Series)

Cher 10401

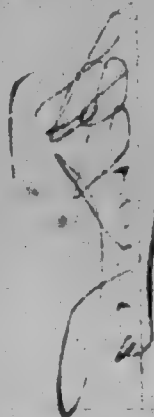
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FILED
SEP 22 1960

DEPARTMENT OF THE INTERIOR
TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 22 1960



ACTING CHAIRMAN



SEP 22 1960

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 VINITA, I. T., SEPTEMBER 20th, 1900.

IN THE MATTER OF THE APPLICATION OF John F. Minshall, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A John F. Minshall.
 Q How old are you? A Forty nine.
 Q What is your Postoffice? A Miles.
 Q What district do you live in? A Cooweescoowee.
 Q For whom do you apply for enrollment?
 Q Myself, wife and children.
 Q How many children? A Four.
 Q Do you apply for yourself as a Cherokee by blood? A No sir.
 Q White man? A Yes sir.
 Q Is your wife a Cherokee? A Delaware.
 Q Have you a marriage license and certificate? A Yes sir.
 The applicant presents a duly authenticated Cherokee marriage license and certificate, the license issued August 16th, 1890, by the Clerk of Cooweescoowee District, authorizing his marriage to Miss Eliza Journeysake, and the certificate shows that they were married on the same day in accordance with said license, by the Rev. Charles Tucker. This is filed herewith.
 Q Is your wife still living? A Yes sir.
 Q Have you and she lived together ever since your marriage?
 A Yes sir.
 Q And lived all the time in the Cherokee Nation? A Yes sir.
 Q How old is your wife? A Twenty nine.
 Q Is she a native Cherokee? A Delaware.
 Q Native Delaware? Yes sir.
 Q Has she lived in the Cherokee nation all her life? A Yes sir.
 Q In what district is she enrolled in 1890? A I am not positive whether it was Delaware or Cooweescoowee.
 Q What is the name of her father? A Jordan Journeysake.
 Q Is he dead or living? A Dead.
 Q The name of her mother? A Mary.
 Q Is she dead or living? A She is living.
 Q Give me the names of your children, please? A Mary E.
 Q How old is she? A Nine years old.
 Q Next child? A Walter T.
 Q How old is he? A Seven.
 Q Next child? A Joseph P.
 Q How old is that child? A Four.
 Q Next child? A Margaret H.
 Q How old is she? A Born in June, 1899.
 Q Are these children all living now? A Yes sir.
 (1880 Roll, Page 273, #1413, Eliza Journeysake, Delaware D'st)
 (1896 Roll, Page 378, #469, Eliza Minshall, Cooweescoowee D'st)
 (1896 Roll, Page 315, #385, John F. Minshall, " "
 (1896 Roll, Page 478, #470, Mary E. Minshall, " "
 (1896 Roll, Page 478, #471, Walter T. Minshall, " "
 (1896 Roll, Page 478, #472, Joseph P. Minshall, " "

The applicant applies for the enrollment of himself, his wife and four children. His wife is identified on the rolls of 1880 and 1896, as a Delaware; she has lived in the Cherokee Nation all her life, and will be listed for enrollment now as a Delaware. The applicant is identified with his wife on the roll of 1896: He is shown by the marriage license and certificate filed herewith to have been married to his wife in 1890: They have lived together ever since their marriage, and he will be listed now for enrollment as a Cherokee citizen by adoption.

Of their four children, the first three are identified with their parents on the roll of 1896: They are living at this time, and they will now be listed for enrollment on a Straight Cards when the Commission is supplied with a proper certificate of the birth

256
K. I. J. D.
1899
COMMISSIONER OF THE GENERAL LAND OFFICE
DEPARTMENT OF THE INTERIOR
WASHINGTON

of the young child, Margaret M., this child also will be listed upon a Strata card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. C. ...

Subscribed and sworn to before me
this 22nd day of September, 1900.


[Handwritten Signature]

COMMISSIONER

Del 7 '78

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1900


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 20 1900 1900.

1 ⁴⁹ John F. Minshall, Miles St.
Name

District COOWEESCOOWEE Year 1896 Page 315 No. 683

Citizen by blood *No.* Mother's citizenship

Intermarried citizen *Yes*

Married under what law *Cherokee* Date of marriage 1890

License Certificate

2 ²⁹ Eliza A. Minshall
Wife's name

District DELAWARE Year 1887 Page 273 No. 1413

Citizen by blood *Delaware* Mother's citizenship *Jordan Journey*

Intermarried citizen *No.* *Mary*

Married under what law Date of marriage

License Certificate

Names of Children:

| Name | Dist. | Year | Page | No. | Age |
|--------------------|---------------|------|------|-----|-----|
| 3 Mary L. Minshall | COOWEESCOOWEE | 1896 | 378 | 470 | 9 |
| 4 Walter J. " | COOWEESCOOWEE | " | 378 | 471 | 7 |
| 5 Joseph P. " | COOWEESCOOWEE | " | 378 | 472 | 4 |
| 6 Margaret M. " | | | | | 1 |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

2 On 1870 Roll as Eliza Journey wife
6 Affidavit of birth to be supplied.
Marriage license and cert. attached,

Handwritten mark

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1890

Cherokee Nation, I.S.

Delaware DISTRICT.

1 Charles Tucker
a Minister of the Gospel

[Signature]
CHIEF CLERK

herby certify that on the 16 day of
August 1890.

August
Dil 7

I joined in Marriage, Mr.

J. Minshall
Eliza Johnson

a citizen of the United States, and M

a citizen of the Cherokee Nation, agreeable
to the authority given in the within
License and the customs and laws of the
Cherokee Nation.

Given under my hand this the 16th
day of August A. D.
1890.

Accorded on page
18th Record of
Marriage Licenses
Co. Dist. Okla.
H. H. Pratt
Clerk.

Charles Tucker

Witness John W. Mason
Henry [unclear]

Sept. 17th 1890

MARRIAGE LICENSE.

CHEROKEE NATION, I. T.,

Coonescoowee DISTRICT.

To Any Person Legally Authorized to Solemnize Marriage Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. *J. J. Minshall*, a citizen of the United States, and Miss *Eliza Johney Coker*, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the

16th day of *August*

A. D. 1892

H. H. Selt

Clerk Coonescoowee District.

14 111

Application for Enrollment of

ESAYE WILD

Marcel W. Marshall

a citizen of the

Republic of the United States

Approved

[Signature]
Commissioner

110.

Leader Print, Vinita, I. T.

[Handwritten]

RECEIVED
COMM. OF THE DIST. OF OKLA.
FILED
SEP 20 1900

[Handwritten]

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Margaret M. Minshall born on the 23 day of June, 1899
(here insert name of child)
Name of Father: John F. Minshall, a citizen of the Cherokee Nation.
Name of Mother: Eliza A. Minshall, a citizen of the Cherokee Nation.
Post-office: Viitta, Ia.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

Eliza A. Minshall, on oath state that I am 29
years of age and a citizen, by blood of the Cherokee Nation,
that I am the lawful wife of John F. Minshall, who is a citizen, by
adoption of the Cherokee Nation; that a female child was
(male or female)
born to me on the 23rd day of June, 1899; that said child has been
named Margaret M. Minshall, and is now living, and that I did not
have a doctor or midwife in attendance. Eliza A. Minshall

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 18th day of September, 1900
W. D. Stauffer
NOTARY PUBLIC. My Commission expires
Aug. 2nd, 1903, P. O. Viitta, I. T.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, John F. Minshall, husband of Eliza A. Minshall, on oath state that I
was present when Eliza A. Minshall, wife of John F. Minshall,
on the 23rd day of June, 1899, I; that there was born to her on
said date a female child; that said child is now living and is not
(male or female)
named Margaret M. Minshall, that no doctor or midwife attended
her. J. F. Minshall

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 18th day of Sept, 1900
W. D. Stauffer
NOTARY PUBLIC. My Commission expires

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 27, 1903.

In the matter of the application of JOHN F. MINSHALL for enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, ELIZABETH A., and children, MARY E., WILLIAM T., JOSEPH P. and MARGARET M. MINSHALL, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

ANDREW H. NORWOOD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Andrew H. Norwood.
Q How old are you? A 53 years old and reside at Dewey, I.T.
Q You are a citizen by intermarriage, are you? A Yes sir, I became by a marriage to a Cherokee; my first wife was a Cherokee and my last wife a Delaware.
Q How long have you lived in the Cherokee Nation? A 33 years.
Q Do you know John F. Minshall? A I am not personally acquainted with him.
Q He is an intermarried man, isn't he? A Yes.
Q Do you know his wife? A Yes, I am well acquainted with her.
Q What is her name? A I don't know whether I know her first name; there are two girls of them, sisters.
Q What were her parents' names? A Her mother's name was Mary Weaver and her father's name was Jordan Journeycake.
Q Were Mary Weaver and Jordan Journeycake both registered Delawares? A Yes.
Q These two children you speak of--you say there were two sisters--were they born after the Delawares came down here, or were they living? A I could not say positively; they were about that age.
Q Did these two children live with their mother? A Yes.
Q And if they were on the Register, they would be with her? A Yes.
Q What surname did they go by, Weaver or Journeycake? A Well, I think they went by the name of Weaver until they got into a dispute about the estate and then they went on the records as Journeycake.

COMMISSION: Eliza A. Minshall appears upon the Commission's records as 32 years of age at this time; she is not identified on the Delaware Register.

+++++*****

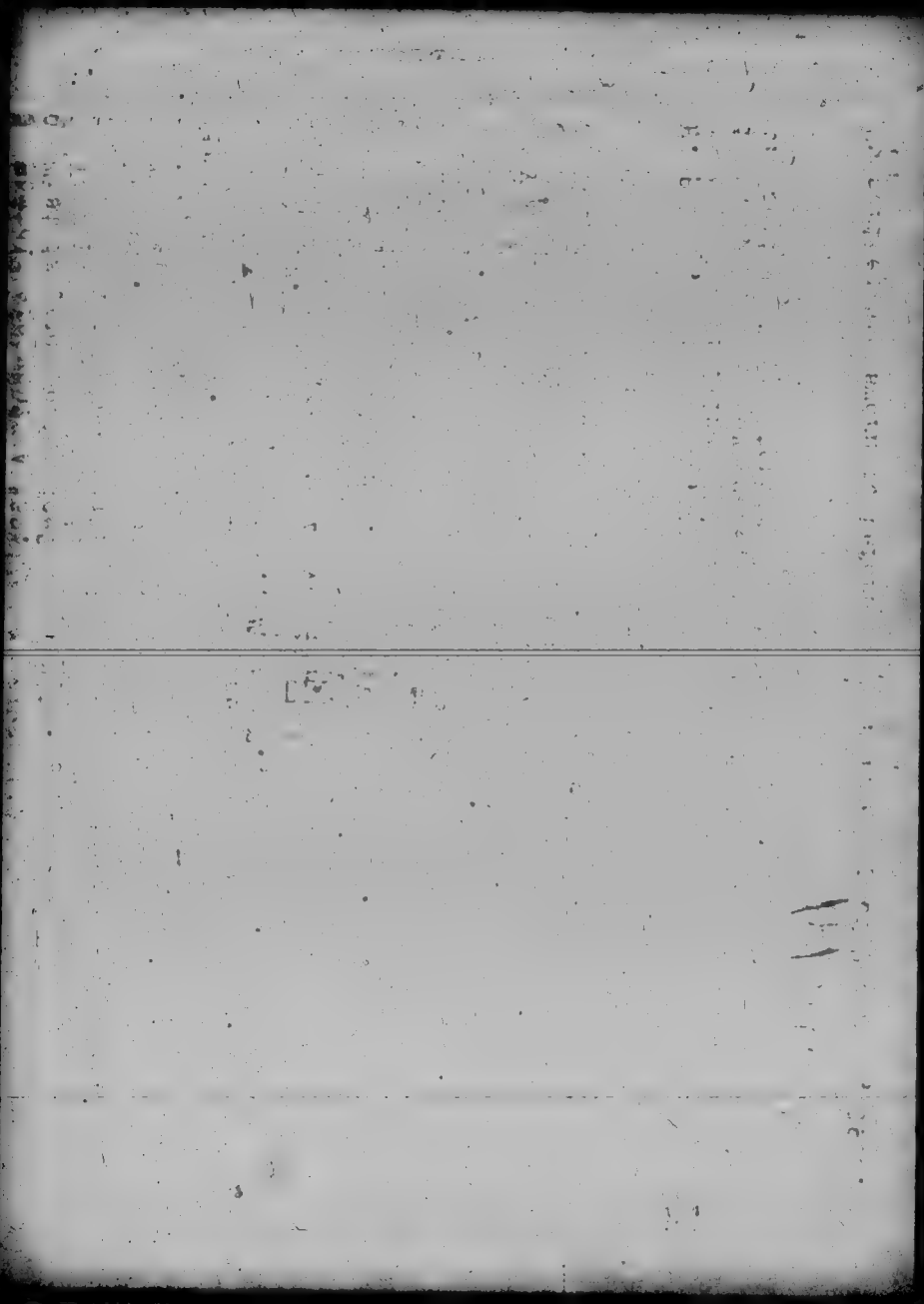
Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 27th day of November, 1903.

Samuel Foreman

Notary Public.



JOR
Delaware No. 7.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., Dec. 5, 1903.

In the matter of the application of JOHN F. MINSHALL, for the enrollment of himself and wife, Eliza and children, Mary E., Walter T., Joseph P. and Margaret M. Minshall, as Delaware citizens of the Cherokee Nation.

ELIZA A. MINSHALL, being sworn and examined, testified as follows:

- Q What is your name? A Eliza A. Minshall.
Q How old are you? A 32.
Q What is your postoffice? A Vinita.
Q Your postoffice was Miles? A Yes sir.
Q Are you a Delaware citizen by blood of the Cherokee Nation?
A Yes sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Have you resided in the Cherokee Nation continuously all of your life? A Yes sir.
Q Never made your home anywhere else at all? A No sir.
Q You have children, Mary E., Walter T., Joseph P. and Margaret M?
A Yes sir.
Q Are they all living? A Yes sir.
Q All living with you are they? A Yes sir.
Q Your husband is John F. Minshall? A Yes sir.
Q He was a white man? A Yes sir.
Q Is he living? A No sir, he's dead.
Q What was the time of his death? A The 3rd day of March, two years ago. Will be three years next March.
Q He died the 3rd day of March, 1901? A 1901.
Q You and he lived together until he died? A Yes sir.
Q Did he come from Kansas with the Delawares? A No sir.
Q You were married in this country? A Yes sir.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 11th day of December, 1903.

Samuel Foreman
Notary Public.

10401

IN RE
THE DEATH OF

John F. Minshall
a citizen of the

Cherokee Nation.

Attested 23rd 190th
L. N. Beckwith
Commissioner.

DEC 23 1903

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

John J. Minshall
(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

Vinita

(Here insert name of post office)

, Ind. Ter., and died on the

3^d

day of

March

, 1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Northern

District. }

I, Eliza A. Minshall, on oath state that I am 32

years of age and a citizen, by Adoption, of the Cherokee Nation;

that my post office address is Vinita, Ind. Ter.; that I am

(Here insert name of post office.)

the wife

of

John J. Minshall

(Here insert name of deceased.)

who was a citizen, by adoption, of the Cherokee Nation;

and that said John J. Minshall died on the 3^d day of

(Here insert name of deceased.)

March

, 1901

Eliza A. Minshall

WITNESSES TO SIGN:

(Must be Two)

Witnesses. }

Subscribed and sworn to before me this 5th day of December 1901

John P. Rosen

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Northern

District. }

I, Mary Weaver, on oath state that I am 51

years of age, and a citizen, by Adoption, of the Cherokee Nation;

that my post office address is Vinita, Ind. Ter.;

(Here insert name of post office.)

that I was personally acquainted with

John J. Minshall

(Here insert name of deceased.)

who was a citizen, by adoption, of the Cherokee Nation;

and that said John J. Minshall died on the 3^d day of

(Here insert name of deceased.)

March

, 1901

Mary Weaver

WITNESSES TO SIGN:

(Must be Two)

Witnesses. }

Subscribed and sworn to before me this 5 day of December 1901

John P. Rosen

Notary Public.

827

#10401

32

IN RE
THE DEATH OF

Natalie S. Minshall
a citizen of the

Cherokee Nation.

May 11 1904
C. R. Buckner
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED NATIONS
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MAY

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601000

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Walter J. Minshel
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near
Vinita, Ind. Ter., and died on the 21st day of
April, 1904.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }

Northern District. }

I, Eliza A. Minshel, on oath state that I am 33
years of age and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Vinita, Ind. Ter.; that I am
the mother of Walter J. Minshel,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Walter J. Minshel died on the 21st day of
April, 1904.
Eliza A. Minshel

WITNESSES TO MAKE:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this 10 day of May 1904.

J. H. Glessner
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }

_____ District. }

I, _____, on oath state that I am _____
years of age, and a citizen, by _____, of the _____ Nation;
that my post office address is _____, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____,
(Here insert name of deceased.) 1904.

WITNESSES TO MAKE:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this _____ day of _____ 1904.

Notary Public.

Cher 10402

Mary A. Tiblow

Transferred from Delaware
No. 8 (Old Series)

Cher 10402

Del 8.2

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 22 1900

[Signature]
SPECIAL AGENT IN CHARGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 21st, 1900.

IN THE MATTER OF THE APPLICATION OF Mary A. Tiblow for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A Mary A. Tiblow.
Q What is your age? A The twelfth of last March, I was seventy seven years old.
Q What is your Postoffice? A Ketchum.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the rolls; yourself?
A Just myself.
Q Are you a Cherokee by blood? A No sir; my mother is a Delaware and my father a white man.
Q How long have you lived in the Cherokee Nation? A Thirty years.
Q Are you on the roll of 1880? A I guess so.
(1880 Roll, Page 324, #2582, Mary A. Tiblo, Delaware District)
(1896 Roll, Page 624, #84, Mary A. Tiblow, Delaware District)
Q Was your husband Henry Tiblow? A Yes sir.
Q He is dead now, is he? A Yes sir.

The applicant is identified on the rolls of 1880 and 1896, as a Delaware: She has lived in the Cherokee Nation for the last thirty years, and she will be listed now for enrollment upon a "Straight Card".

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

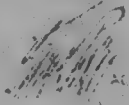
Subscribed and sworn to before me
this 22nd day of September, 1900.


COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

73

FILED
SEP 21 1900



CHIEF CHAIRMAN

See 8

DELAWARE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 28 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Mary A. Tiblow Ketchum, G. I.

District DELAWARE. Year 1880 Page 324 No. 157

Citizen by blood Delaware Mother's citizenship

Intermarried citizen No.

Married under what law Date of marriage

License Certificate

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|-------|-------|-------|-------|
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On 1880, as Mary A Tiblo

18

SEP 21 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of MARY A. TIBLOW for enrollment as a citizen of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I'm 60 years old.
Q What is your postoffice address? A Ketchum.
Q You're a citizen by intermarriage of the Cherokee Nation, are you not? A Yes sir.
Q How long have you been a citizen by intermarriage? A I was married in '72.
Q You're a member of the Cherokee Senate, are you not? A Yes sir.
Q Do you know Mary A. Tiblow, an old lady about 80 years old?
A Yes sir.
Q What is her postoffice address? A Ketchum I think would be her postoffice address.
Q How long have you known her? A Oh, 20 years or more.
Q Is she any relation to you? A No sir.
Q She any relation to your wife? A Well, I don't know that she is.
Q Have you known Mary A. Tiblow ever since she came to the nation?
A I think I have.
Q How long has she been here? About what year did they come? A Well now, I think she came with the outfit along about '78 or '79 if she came with Browns and Stevensons and them; I am not sure she did.
Q Has she got a daughter named Frances O. Brown? A Yes sir.
Q How long have you known her? A Since '80.
Q And another daughter named Mary T. Stevenson? A Yes, she's dead.
Q How long have you known her? A Since '80 till she died.
Q Mary T. Stevenson had a daughter whose name is now Rosanna S. Connor and another named Mary Gallman? A Yes sir.
Q How long have you known them? A Ever since they came here, in '79 or '80.
Q Did these people all come down here together? A Why, the Browns and the Stevensons came at the same time.
Q They came here and were readmitted by the Cherokee Council as Delawares? A Yes sir, that's my understanding.
Q Did you ever hear they claimed to have been here before they came down in '79 or '80? A No sir.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me
this 12th day of December, 1903.

Mabel F. Maxwell

Samuel E. ...
Notary Public

Del 8

John, Michael, & Barbara Evans 106 No 6 AVE New York N.Y.

Faint, mostly illegible text, possibly a return address or recipient information.

PAID BY ADDRESSEE

8

9

Delaware 8.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, December 4, 1903.

In the matter of the application for the enrollment of Mary A. Tiblow as a Delaware citizen by blood of the Cherokee Nation.

Mary Ann Tiblow, being duly sworn, and examined, testified as follows:

- Q What is your name? A Mary Ann Tiblow.
Q How old are you? A If I live through March I will be eighty years old.
Q What is your post office? A Some time it is Vinita and I am staying down on Bigcabin, but I aint got none for a long time.
Q Mail addressed to you, whereabouts will reach you? A I guess on Bigcabin, I am staying down there with my daughter.
Q You are a Delaware citizen by blood of the Cherokee Nation, are you? A I guess.
Q How long have you resided in the Cherokee Nation? A Oh, a long while.
Q Were you admitted to citizenship in the Cherokee Nation? A I guess so, my husband was.
Q Do you know when you were admitted? A I guess I got the papers, I aint got them here.
Q Do you remember what year it was when you came to the Cherokee Nation? A I have got the papers when the Delawares come and everything, but didn't bring them.
Q You don't remember? A No, but they always took me in.
Q Did you come down from Kansas with the Delawares in 1868? A We didn't stay when they did but we come afterwards.
Q You don't claim that your name is on the Delaware Register, do you? A I guess it is.
Q They're the ones you know that came down here under the treaty with the Delawares and Cherokees. (NO RESPONSE).
Q Have you resided in the Cherokee Nation all the time since you came to the Cherokee Nation? A Yes sir.
Q Haven't made your home anywhere else at all? A No sir.

Frances O. Brown being sworn, and examined, testified as follows:

- Q Your name is Frances O. Brown? A Yes sir.
Q How old are you? A Forty-nine.
Q Your post office is Vinita? A Bigcabin.
Q This is your mother, Mary A. Tiblow? A Yes sir.
Q You have just testified in your own case, have you? A Yes sir.
Q You testified in your case that your father, Henry Tiblow, came from Kansas with the Delawares under the treaty of April 8, 1867, did you? A Yes sir, but I don't think we moved just when the Delawares did.
Q And your mother and the children, including yourself, came down afterwards and were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council, that is what you have just testified in your case? A Yes sir.
Q And your mother here was admitted along with you others by the act of that Council? A Yes sir.
Q She is very old now? A Yes sir.
Q You don't claim that your mother is a registered Delaware? A No sir.
Q She only claims by the act of admission from the Cherokee National Council? A Yes sir.
Q But she has always been recognized as a citizen of the Cherokee Nation since that act was passed? A Yes sir.

Mary A. Tiblow.

Q You testified in your own case that the copy of your act of admission was misplaced? A Yes sir.

Q And also the receipt for the money that you paid into the Cherokee Nation? A Yes sir.

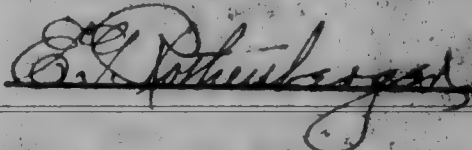
Q Do you know whether the money was paid into the Cherokee Nation for your mother according to that act of admission? A No sir, I don't; I couldn't say.

Q You don't know about that? A No sir.

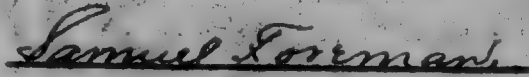
Q You don't know whether she has that receipt for the money in her possession or not? A No sir.

Q Your mother's memory seems to be not very good? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 7th day of December, 1905.



Notary Public.



An Act Admitting Mary Tiblow Stevenson and her Daughter
to Cherokee Citizenship.

Be it enacted by the National Council that Mary Tiblow
Stevenson and her daughter Rosanna, be, and they are hereby admitted
to all the rights and privileges of Cherokee citizenship; Provided
that before such rights shall accrue to the said Mary Tiblow
Stevenson and her daughter Rosanna (they) shall (first) pay into
the treasury of the Cherokee Nation the sum of two Hundred
and Eighty-four Dollars each.

(Tahlequah C. N.)

December 5, 1876.

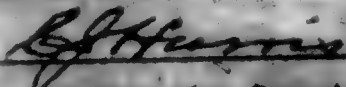
Approved,
Charles Thompson,
Principal Chief
Cherokee Nation.

---ooo000ooo---

Executive Department,
Cherokee Nation.
Tahlequah, Ind. Terry.

I, C. J. Harris, Assistant Executive Secretary of the
Cherokee Nation, do hereby certify that the above and foregoing is
a true, complete and full copy of an act of the National Council
approved Dec. 5, 1876, by the Principal Chief of the Cherokee
Nation, as the same appears of record; said records being on file
in this office and in my custody.

In witness whereof I have hereunto set my hand and affixed
the seal of the Cherokee Nation, this December 8, 1902.


Asst. Executive Secretary.

Tahlequah, Indian Territory, February 24, 1904.

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

Gentlemen:

I have the honor to enclose herewith, for review, decisions together with the records in the following applications for enrollment as citizens by Delaware blood of the Cherokee Nation:

| | | |
|----------------------------|----------|------|
| Mary A. Tiblew, et al., | Delaware | 87 |
| | " | 88 |
| | " | 9 |
| | " | 10 |
| | " | 12 |
| | " | 27 |
| | " | 30 |
| John S. Bob, et al., | Delaware | 1781 |
| Wannie M. Bartles, et al., | Delaware | 1811 |
| | " | 1821 |
| | " | 1831 |
| | " | 1841 |
| Lewis Ketchum, et al., | Delaware | 30 |
| | " | 37 |
| | " | 38 |
| Susan F. Dodge, et al., | Delaware | 249 |
| | " | 250 |
| | " | 251 |

Respectfully,

Enc1-5-3

Acting Chief Clerk

New at Nos
10400-10402-3-4-6-20
+ 10439

Cherokee Delaware
#8 et al.

Muskogee, Indian Territory, May 23, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 16, 1904, in the consolidated case of Mary A. Tiblow et al., granting the applications for the enrollment of Mary A. Tiblow, Rosanna S., Mamie C. and Oliver Connor, Fannie F., Freddie, Walter and John H. Stephenson, Mary A., Claud M., Rubie A. and Henrietta Gallman, Frances O., Daniel R., John J., Cora B. and Effie L. Brown, and dismissing the application for the enrollment of Mary T. Stephenson, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. You are requested, however, to advise the Commission at as early date as possible whether or not you desire to protest.

-2-

this decision. If you fail to file protest within the time allowed
this decision will be considered final.

Respectfully,

Enc. D-7.

Commissioner in Charge

JCS

Tahlequah, I. T. May 27th 1904.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

You are hereby advised that the Cherokee Nation does not desire to file a protest against the decision of the Commission of date May 16th 1904 in the matter of the application of Mary A. Tiblow et al for enrollment as citizens of the Cherokee Nation of Delaware blood consolidating the applications of,

| | | |
|----------------------------|----------|------|
| Mary A. Tiblow ----- | Delaware | #8; |
| Mary T. Stephenson | Del. | #6; |
| Rosanna S. Connor et al | Del. | #9; |
| Fannie F. Stephenson et al | Del. | #10; |
| Mary A. Callman et al | Del. | #12; |
| John H. Stephenson et al | Del. | #27; |
| Frances O. Brown et al | Del. | #30. |

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Chicago 1904

Muskogee, Indian Territory, June 9, 1904.

Mary A. Tiddow,
Big Cabin, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the Commission's decision dated May 18, 1904, granting, among others, your application for the enrollment of yourself as a citizen of the Cherokee Nation of Indian blood.

Respectfully,

Encl. V-8
Register.

Chairman.

COPY.

Muskogee, Indian Territory, January 20, 1906.

The Honorable

The Secretary of the Interior

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Mary A. Tiblow, et al., as citizens of the Cherokee Nation of Delaware blood, including the Commission's decision dated May 16, 1904, granting said applications; also the motion of Mary A. Tiblow, et al., to re-open said case as to them and modify the judgment heretofore rendered and render a judgment, according to each of them as citizens of the Cherokee Nation, all the rights of registered Delawares, together with the Commission's decision dated January 7, 1906, denying said motion.

Respectfully,

SIGNED *Tama Bixby*
Chairman.

Encl. CC-79.

(COPY)

W.C.P.
L.L.B.

DEPARTMENT OF THE INTERIOR

D/O. 17395-1905
I.T D. 3022-1905
L.R.S.

WASHINGTON.

March 31, 1905.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

On January 10, 1905, you transmitted the record relative to the application of Mary A. Tiblow et al. for enrollment as citizens of the Cherokee Nation of Delaware blood; also a motion to reopen said case and modify the judgment of your Commission rendered May 16, 1904, so that said judgment may entitle the applicants to all the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

It appears that Mary A. Tiblow and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved November 30, 1875; that Mary T. Stephenson and Reanna S. Connor, under the name of Rosanna Stephenson, were admitted to citizenship by an act of the Cherokee National Council approved December 5, 1876. Each of said acts provides that the applicant pay into the Cherokee Treasury the sum of \$284 each. You state in your decision that there is no record evidence of the payment of such sums into the Cherokee treasury.

It also appears that all of the adult applicants are identified on the Cherokee authenticated tribal roll of 1880, and all of the applicants excepting Walter and Henrietta Stephenson

are identified on the Cherokee census roll of 1826. said Walter and Henrietta Stephenson are identified by birth affidavits

May 16, 1904, you held that the applicants in this case are entitled to enrollment as citizens of the Cherokee Nation.

Subsequent to your decision a brief was filed on behalf of the applicants requesting that your Commission modify its decision so that said decision would entitle the applicants to the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

On January 7, 1905, you denied said request.

Transmitting your report March 23, 1905, the Acting Commissioner of Indian Affairs also transmitted a communication from the attorney for the applicants and brief filed by him on behalf of the applicants in this case and certain other applicants mentioned in said brief.

The Acting Commissioner invites the attention of the Department to the decision of the Supreme Court of the United States in the case of "Delaware Indians vs. Cherokee Nation," in which it was held that the registered Delawares living at the date of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made share equally with the Cherokees in the remainder of the Cherokee Landed estate. He also invites attention to the opinion of the Comptroller of the Treasury rendered March 1, 1903, relative to the right of Delaware Indians admitted by the Cherokee

Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867 to share in the \$150,000 appropriated for the Delawares by act of April 21, 1904 (33 Stat., 222), and quotes from said opinion the following:

"From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Article III and IX of the treaty of July 4, 1866, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum."

The Acting Commissioner recommends that your decision be approved. A copy of his letter is inclosed.

Under the opinion of the Comptroller of the Treasury above cited, it is clear that the applicants are not entitled to the rights of registered Delawares. Your decision is therefore approved.

Respectfully,

(Signed) R. A. Hitchcock
Secretary

1 inclosure.

COPY.

Cherokee-10402.

Mustonee, Indian Territory, April 28, 1905.

V. H. Kornegay,

Attorney for Rosanna S. Connor,

Vinita, Indian Territory.

Dear Sir:

In accordance with the request contained in your letter of April 20, 1905, there is herewith inclosed a copy of Departmental letter of March 31, 1905, affirming the Commission's decisions granting the application for the enrollment of the said Rosanna S. Connor as a citizen of the Cherokee Nation of Delaware blood, and rejecting the application for her enrollment as a Registered Delaware.

Respectfully,

SIGNED: *Yame Dixby.*
Chairman.

Incl. 2-22

Winnipeg 1877

8 pages of 7-1880

1877-1878

1879

Cher 10403

Rosanna S. Connor

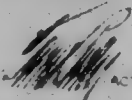
Trans. from Delaware No. 9
(Old Series)

Cher 10403

D. C. 9. 4

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900



ACTING CHIEF

14

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 VINITA, I. T., SEPTEMBER 21st, 1900.

IN THE MATTER OF THE APPLICATION OF Rosanna Stevenson Connor and children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, C. W. Brookbridge, testified as follows:

- Q What is your full name? A Rosanna Stevenson Connor/
 What is your age? A Thirty three.
 Q What is your Postoffice? A Vinita.
 Q What district do you live in? A Cooweescoowee.
 Q Who is you you want to have put on the rolls? A Myself and two children.
 Q Do you apply for yourself as a Cherokee by blood? A Delaware.
 Q Are you a Delaware? A Yes sir.
 Q How long have you lived in the Cherokee Nation?
 A Twenty four years.
 Q Are you on the roll of 1880? A Yes sir.
 Q What what district? in 1880? A I do not know.
 Q What was your name before it was Connor? A Stevenson.
 Q Stevenson was your maiden name? A Yes sir.
 Q When were you married: Have you your marriage certificate there?
 Yes sir.
 The applicant presents a duly authenticated marriage certificate, showing that she and her husband were married October 24th, 1884, by the Reverend Leonidas Dobson. This is filed herewith.
 Q Your husband's name was Miles C. Connor? A Yes sir.
 Is he dead or living? A Dead.
 Q How long has he been dead? A Six years.
 Q Cherokee or white man? A Delaware.
 Q You have not married since his death? A No sir.
 Q These are your own children you apply for? A Yes sir.
 Children of this marriage? A Yes sir.
 Give me their names? A Martha G.
 How old? A Eleven.
 Q Your next child, please? A Oliver A.
 Q How old is he? A Nine.
 Q Both living now, are they? A Yes sir.
 (1880 Roll, Page 317, 2401, Rosanna Stephens, Delaware D'st)
 (1890 Roll, Page 364, 196, Rosana Connor, Cooweescoowee D'st)
 (1890 Roll, Page 364, 197, Marie Connor, " "
 (1890 Roll, Page 364, 198, Oliver Connor, " ")

The applicant applies for the enrollment of herself and two children: she is identified on the rolls of 1880 and 1890, as an adopted Delaware, and her change of name is established by the marriage certificate filed herewith. She has lived in the Cherokee Nation for the last twenty four years, and she will now be listed for enrollment as an adopted Delaware. Her two children are identified with her on the roll of 1890: Their names are given in the testimony; they are living at this time, and they will be listed for enrollment on a "Strait Card".

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
 this 22nd day of September, 1900.

[Signature]
 C. W. BROOKBRIDGE

76

COMMUNICATIONS SECTION

July 9

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 20 1900 1900.

Name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____
 33
 1 Wife's name Rosanna Comer
 District DELAWARE Year 1870 Page 317 No. 2401
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage Oct 1874
 License _____ Certificate Filed SEP 21 1900

Names of Children:

| No. | Name | Dist. | Year | Page | No. | Age |
|-----|----------------|----------------|------|------|-----|-----|
| 2 | Mamie D. Comer | CHOWEESCOOWEE | | 364 | 197 | 11 |
| 3 | Irene H. Comer | Delas H. Comer | | 364 | 198 | 9 |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

- 1 Arthur E. Comer
 - 2 "
 - 3 "
- Rosanna Stephen
Mamie Comer
Irene



CERTIFICATE OF MARRIAGE
THIS IS TO CERTIFY THAT

I have this day joined in

MARRIAGE

Elizabeth of the State of Virginia
and
James of the State of Virginia
according to the laws of the State of Virginia and that there were
present as witnesses James Hutchings of Caloosa Ind. Ter.
and
Ann Daniel of Virginia

Dated Oct 22 1884
Kassius Johnson

To be filed with
Delaware 9, Rosanna S. Connor et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of MARY A. TIBLOW for
enrollment as a citizen of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the
Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I'm 60 years old.
Q What is your postoffice address? A Ketchum.
Q Are you a citizen by intermarriage of the Cherokee Nation? A Yes
sir.
Q How long have you been a citizen by intermarriage? A I was mar-
ried in '72.
Q You're a member of the Cherokee Senate, are you not? A Yes sir.
Q Do you know Mary A. Tiblow, an old lady about 80 years old?
A Yes sir.
Q What's her postoffice address? A Ketchum I think would be her
postoffice address.
Q How long have you known her? A Oh, 20 years or more.
Q Is she any relation to you? A No sir.
Q She any relation to your wife? A Well, I don't know that she is.
Q Have you known Mary A. Tiblow ever since she came to the nation?
A I think I have.
Q How long has she been here, about what year did they come? A Well
now, I think she came with the outfit along about '78 or '79 if she
came with Browns and Stevensons.
Q Has she got a daughter named Frances Stevens? A Yes sir.
Q How long have you known her? A Since '80.
Q And another daughter named Mary T. Stevens? A Yes, she's dead.
Q How long have you known her? A Since '80 till she died.
Q Mary T. Stevens had a daughter whose name is now Rosanna S. Con-
ner and another named Mary Gallman? A Yes sir.
Q How long have you known them? A Ever since they came here, in
'79 or '80.
Q Did these people all come down here together? A Why, the Browns
and the Stevensons came at the same time.
Q They came here and were readmitted by the Cherokee Council as
Delawares? A Yes sir, that's my understanding.
Q Did you ever hear they claimed to have been here before they came
down in '79 or '80? A No sir.

Mabel F. Maxwell, being duly sworn, states that, as steno-
grapher to the Commission to the Five Civilized Tribes, she correctly
recorded the supplemental testimony in this case, and that the above
and foregoing is a true and complete transcript of her stenographic
notes thereof.

Subscribed and sworn to before me
this 18th day of December, 1903.

Mabel F. Maxwell
Samuel Foreman
Notary Public.

Delaware 9.

Department of the Interior?
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, December 4, 1903.

On the matter of the application of Rosanna S. Connor for the enrollment of herself and her children, Mamie G. and Oliver A. Connor, as Delaware citizens by blood of the Cherokee Nation.

Rosanna S. Connor, being duly sworn and examined, testified as follows:

- Q What is your name? A Rosanna S. Connor.
Q How old are you? A Thirty-seven.
Q Your post office is Vinita? A Yes sir.
Q Are you a Delaware citizen by blood of the Cherokee Nation? A I am a Delaware by blood; I was adopted by the Council just like my mother.
Q When were you admitted to citizenship in the Cherokee Nation? A It must be twenty-seven years ago, I think.
Q That would have been in 1876? A I don't remember the time exactly. I was small.
Q Have you a copy of your act of admission to citizenship? A No, my mother lost it.
Q Your mother was Mary Stevenson? A Yes sir.
Q You have just executed an affidavit this day as to her death in the year of February, 1901, have you? A Yes sir.
Q Have you resided in the Cherokee Nation continuously since you were admitted? A Yes sir.
Q You have not made your home anywhere else? A No sir.
Q You don't claim that your name is on the Delaware Register, do you? A I guess it isn't, I don't know.
Q You only claim your citizenship by reason of your admission, do you? A Yes sir.
Q Was your mother a member of the Delaware Tribe residing in the States of Kansas? A Yes sir.
Q Your mother didn't come to the Cherokee Nation under the treaty between the Delawares and Cherokees, did she? A I guess she didn't.
Q It is your understanding that your mother was admitted by a Special act of the Cherokee National Council? A Yes sir.
Q Were you admitted with your mother? A Yes sir.
Q Then whatever right to enrollment you have you claim by reason of your mother's admission together with your admission with her? A Yes sir, that is the way.
Q Other acts of admission of the Delaware Indians to citizenship in the Cherokee Nation by the National Council required the payment of a certain sum of money; do you know whether that amount of money was required in your mother's case or not? A Father paid for her.
Q Your father paid? A Yes sir, for her and me.
Q Were there just you and your mother in the act of admission? A Yes sir, just me and her.
Q Have you a receipt for the money paid by him? A I guess she lost it too.
Q Have you made an effort to find the receipt and a copy of the act of admission that your mother had? A We looked for it.
Q They have been lost? A Yes sir.
Q You have children, Mamie G., and Oliver A.? A Yes sir.
Q They are both living, are they? A Yes sir.
-

The undersigned, being duly sworn, states that as stenographer to the Council on to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. J. [Signature]

Subscribed and sworn to before me this 1st day of [Month], 190[Year].

Samuel [Signature]

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

In the matter of the application of Mary A. Tiblow,
et al. for enrollment as citizens of the Cherokee Nation of Delaware
blood, consolidating the applications of,

| | | |
|------------------------------------|----------|-----|
| Mary A. Tiblow,----- | Delaware | 8; |
| Mary T. Stephenson,----- | Delaware | 6; |
| Rosanna S. Connor, et al.,----- | Delaware | 9; |
| Fannie F. Stephenson, et al.,----- | Delaware | 10; |
| Mary A. Gallman, et al.,----- | Delaware | 12; |
| John H. Stephenson, et al.,----- | Delaware | 27; |
| Frances O. Brown, et al.,----- | Delaware | 50. |

D E C I S I O N .

The record in these cases shows that on September 21, 1900, Mary A. Tiblow appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 20, 1900, Mary T. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood. On December 7, 1903, an affidavit was filed with the Commission showing the death of said Mary T. Stephenson on February 6, 1901, which affidavit is made part of this record:

That on September 21, 1900, Rosanna S. Connor appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Mamie G. and Oliver A. Connor, as citizens of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 21, 1900, Fannie F. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Freddie and Walter Stephenson, as citizens of the Cherokee Nation of Delaware blood:

That on September 21, 1900, Mary A. Gallman appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Claud M., Rubie A. and Henrietta Gallman, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Mary A. Gallman, but he is differently classified and is not embraced in this decision:

That on September 25, 1900, John H. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his wife, Rosa L. Stephenson, as citizens of the Cherokee Nation of Delaware blood. On March 22, 1901, a birth affidavit was filed for Mary A. Stephenson,

a child of said John H. and Rosa L. Stephenson born since the date of this application. As Rosa L. Stephenson is the daughter of a registered Delaware, she and her child, Mary A., may have a different status, and as their rights are separately considered they are not embraced in this decision:

That on October 1, 1900, Frances O. Brown appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Daniel R., John J., Cora B. and Effie L. Brown, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Frances O. Brown, but he is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903.

The evidence shows that Mary A. Tiblow is of Delaware blood; that Mary T. Stephenson and Frances O. Brown are adult children of said Mary A. Tiblow, and that Rosanna S. Connor, Fannie F. Stephenson, Mary A. Gallman and John H. Stephenson are adult children of said Mary T. Stephenson.

Rosanna S. Connor was married to Silas H. Connor, a white man, now deceased, in 1884, and Mamie G. and Oliver A. Connor are the issue of that marriage. Freddie and Walter Stephenson are the minor children of Fannie F. Stephenson. Mary A. Gallman was married to Jesse M. Gallman, a white man, in 1889, and Claud M., Rubie A. and Henrietta Gallman are the issue of that marriage. Frances O. Brown was married to John A. Brown, a white man, in 1872, and Daniel R., John J., Cora B. and Effie L. Brown are the issue of that marriage.

All the adult applicants are identified on the Cherokee authenticated tribal roll of 1880, and all the applicants, excepting Walter and Henrietta Stephenson, are identified on the Cherokee Census roll of 1896. Walter and Henrietta Stephenson are identified by birth affidavits made a part of this record.

It further appears that the residence of Mary A. Tiblow, Rosanna S. Connor, Mary A. Gallman and John H. Stephenson has been in the Cherokee Nation since 1880, and that Fannie F. Stephenson was born and has resided in said Nation all her life. The residence of the minor applicants herein is considered to be that of their parents.

The evidence further shows that Mary A. Tiblow and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved November 30, 1875, and that Mary T. Stephenson, and Rosanna S. Connor under the name of Rosanna Stephenson, were admitted to citizenship by an Act of the Cherokee National Council approved December 5, 1876. Each of said Acts provides that the applicants pay into the Cherokee treasury the sum of \$284.00 each, which was the per capita amount paid by the Delawares under the agreement of April 8, 1867, between the Cherokee Nation and the Delaware tribe of Indians.

There is no record evidence of the payment of such sums into the Cherokee treasury. The agreement of April 8, 1867 provides that,

"The Cherokees, parties of the first part, for and in consideration of certain payments, and the fulfillment of certain conditions hereinafter mentioned, agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 96 west longitude, in the aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon

a certain register made February 18, 1867, by the Delaware agent, and on file in the office of Indian affairs, being the list of the Delawares who elect to remove to the "Indian country" to which list may be added, only with the consent of the Delaware Council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto;

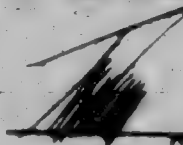
"and in case the Cherokee lands shall hereafter be allotted among the members of said Nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 160 acres for each individual) shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation;"

"On the fulfillment by the Delawares of the foregoing stipulations, all the members of the tribe, registered as above provided, shall become members of the Cherokee Nation, with the same rights and immunities, and the same participation (and no other) in the national funds, as Native Cherokees, save as hereinbefore provided."

It is the opinion of this Commission that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rosanna S. Connor acquired under the Acts of the Cherokee National Council, above referred to, all the rights and privileges of Cherokee citizenship; that the children born to them subsequent to the date of their admission take the status of their parents, and that, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 498), the said Mary A. Tiblow, Rosanna S. Connor, Mamie C. Connor, Oliver A. Connor, Fannie F. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Gallman, Claud W. Gallman, Rubie A. Gallman, Henrietta Gallman, John H. Stephenson, Frances O. Brown, Daniel R. Brown, John J. Brown, Cora E. Brown and Effie L. Brown should be enrolled as citizens of the Cherokee Nation, with all the rights of Cherokees by blood, and it is, therefore, so ordered.

It is further ordered by the Commission that the application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, should be, and the same is hereby, dismissed.

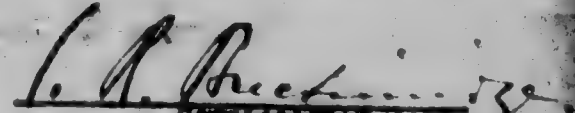
COMMISSION TO THE FIVE CIVILIZED TRIBES,



 Chairman.



 Commissioner.



 Commissioner.

Muskogee, Indian Territory,

MAY 16 1904

McAlester, Indian Territory, 7/13 1904

Received of the Commission to the Five Civilized Tribes,
one copy of the testimony in the matter of the application for the
enrollment of Rebecca Conroy et al
as Cherokee freedmen. citizens

W. H. Koenig
Attorney for applicants

Delaware 9.
(Cherokee 10403)

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

In the matter of the application for the enrollment of
Rosanna S. Connor as a citizen of the Cherokee Nation of Delaware
blood.

DECISION ON MOTION TO RE-OPEN AND MODIFY JUDGMENT.

On May 16, 1904, the Commission rendered its decision
herein, finding that the applicant, Rosanna S. Connor, was entitled
to enrollment as a citizen of the Cherokee Nation with the same
rights as a Cherokee by blood.

On August 27, 1904, the applicant, Rosanna S. Connor, by
her attorney, W. H. Kornegay, filed herein her motion to reopen
said case and modify the judgment heretofore rendered, and to render
a judgment according to her all the rights of a Registered Delaware
for the following reasons:

First. The act admitting her to citizenship and the
payment of the amount therein required conferred upon her the
rights of a Registered Delaware.

Second. Under the acts of Congress prescribing the
duties of the Commission as to enrollment of citizens of the
Cherokee Nation and defining the rights of Cherokee citizens, it
was the duty of the Commission to accord her the rights of a
Registered Delaware.

The questions presented in this case are identical with those presented in the case of Fannie M. Bartles, et al., Delaware 161, et al., and for the reasons therein announced, the Commission is of the opinion that its former judgment herein, enrolling this applicant as a citizen of the Cherokee Nation with the same rights as a Cherokee by blood, is correct and ought not to be disturbed and that the motion to reopen and modify the judgment herein should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tama Bixby
Chairman

(Signed) T. R. Needles
Commissioner

(Signed) C. R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory,
this 7th day of January 1905.

Tahlequah, I. T. May 27th 1904.

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

Gentlemen:

You are hereby advised that the Cherokee Nation does not desire to file a protest against the decision of the Commission of date May 16th 1904 in the matter of the application of Mary A. Tibble et al for enrollment as citizens of the Cherokee Nation of Delaware's blood consolidating the applications of,

- | | | | |
|--------------------------|-------|----------|----|
| Mary A. Tibble | ----- | Delaware | 19 |
| Mary T. Stephenson | | Del. | 25 |
| Frances S. Brown et al | | Del. | 27 |
| Mary A. Galloway et al | | Del. | 28 |
| John H. Stephenson et al | | Del. | 29 |
| Frances O. Brown et al | | Del. | 30 |

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Sherokee 10408

Muskogee, Indian Territory, June 7, 1904.

Rosanna S. Cenner,
Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the Commissioner's decision dated May 18, 1904, granting, among others, your application for the enrollment of yourself and your two minor children, Emma S. and Oliver A. Cenner, as citizens of the Cherokee Nation of Delaware blood.

Respectfully,

Encl. V-F
Register.

Chairman.

COPY.

Cherokee 10403.

Muskogee, Indian Territory, January 10, 1905.

Rosanna S. Connor,
Vinita, Indian Territory.

Dear madam:

There is herewith enclosed a copy of the Commissioner's decision dated January 7, 1905, denying the motion heretofore filed by you, asking the Commission to reopen your case and modify the judgment heretofore rendered therein.

Your attorney, W. H. Kornegay, of Vinita, has heretofore been furnished with a copy of the records and proceedings in this case and there has this day been forwarded to him a copy of the Commission's decision denying the said motion to reopen and modify the former judgment in your case. The record and proceedings have this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Very truly yours,

James H. Blaylock
Chairman

Respectfully,

COPY.

Cherokee 10403.

Muskogee, Indian Territory, January 10, 1905.

W. H. Kornegay,

Attorney for Rosanna S. Connor,

Vinita, Indian Territory.

Dear sir:

There is herewith enclosed a copy of the Commission's decision dated January 7, 1905, denying the motion to reopen and modify the judgement heretofore rendered, granting the application for the enrollment of Rosanna S. Connor as a citizen of the Cherokee Nation of Delaware blood. The decision with a copy of the proceedings in the case has this day been submitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

SIGNED: *James Bixby.*

Chairman.

Encl. 00-93.

Register.

COPY.

Cherokee 10403.

Muskogee, Indian Territory, January 10, 1905.

W. W. Hastings,
Muskogee, Indian Territory.

Dear sir:

There is herewith transmitted a copy of the Commission's decision dated January 7, 1905, denying the motion of Rebecca E. Connor to reopen and modify the judgement heretofore rendered in her case and render a judgement according to her all the rights of a registered Delaware.

The record and proceedings, together with the Commission's decision denying said motion, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

Encl. CG-94.

COPY.

Muskogee, Indian Territory, January 10, 1908.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted the report and proceedings had in the matter of the application for the enrollment of Mary A. Tiblow, et al., as citizens of the Cherokee Nation of Delaware blood, including the Commission's decision dated May 18, 1904, granting said applications; also the motion of Mary A. Tiblow, et al., to re-open said case as to them and modify the judgment heretofore rendered and render a judgment, according to each of them as citizens of the Cherokee Nation, all the rights of registered Delawarees, together with the Commission's decision dated January 7, 1908, denying said motion.

Respectfully,

Encl. 08-79.

SIGNED: *Jame Bixby*
Chairman.

(Copy)

Refer in reply to
the following:

Land,
2494-1906.
16,069-1906.

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

March 23, 1906.

The Honorable

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 10, 1905, transmitting the record relative to the application of Mary A. Tiblow, et al., for enrollment as citizens of the Cherokee Nation, of Delaware blood; also motion of Mary A. Tiblow, et al., to reopen said cause and modify the judgment of the Commission rendered in said case and render a judgment according to such of them, as citizens of the Cherokee Nation, all rights of registered Delawares, together with the Commission's decision of January 7, 1905, denying the motion.

There is also enclosed a communication from V. H. Kerfoot, Attorney for the applicants, transmitting brief on behalf of the applicants in this case and certain other applicants mentioned in his brief and in his communication.

The parties to this case are as follows: Mary A. Tiblow, Mary T. Stephenson, Rebecca S. Connor, Annie S., Oliver A. Connor, Fannie F. Stephenson, Freddie and Walter Stephenson, Mary A. Gallman, Clara E., John A., and Henrietta Gallman, John E.

Stephenson, Rosa L. Stephenson, Mary A. Stephenson, Frances O Brown, Daniel R., John J., Cera B., and Effie L. Brown. Certain other persons were also applicants as intermarried citizens, but as they are differently classed, they are not included in the Commission's decision. Mary A. Stephenson, child of John H., and Rosa L. Stephenson, was born since the date of the application. Rosa L. Stephenson is the daughter of a registered Delaware and as she and her child have a different status, their rights were separately considered by the Commission, and they are not included in its decision of May 16, 1904.

Mary Ann Tibblee (Tiblow) and others were admitted to citizenship in the Cherokee Nation by act of the National Council approved November 30, 1875. The act is as follows:

Be it enacted by the National Council that Mary Ann Tibblee, Wife, and R.V.C. Tibblee, son and Francis O. Brown, daughter, of Henry Tiblow, a Delaware Indian, and a citizen of the Cherokee Nation, be, and they are hereby admitted to citizenship in the Cherokee Nation; Provided, that the said Mary Ann Tibblee and R.V.C. Tibblee and Francis O. Brown first pay into the Treasury of the Cherokee Nation the sum of Two Hundred and Eighty-five Dollars each.

It will be observed that the act provides that each applicant shall pay into the Treasury of the Cherokee Nation the sum of \$285 before any rights vest under the act. There is no record evidence of the payment of said sums into the Treasury of the Cherokee Nation.

The Commission found that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rebecca S. Connor were, under the act above quoted, entitled to all the rights and privileges of Cherokee

citizenship; that children born to them subsequent to the date of their admission take the status of their parents, and that in accordance with the existing law, Mary A. Tihlow, Rosanna H. Connor, Mamie C. Connor, Oliver A. Connor, Fannie F. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Gallman, Oland H. Gallman, Rubie A. Gallman, Henrietta Gallman, John H. Stephenson, Frances G. Brown, Daniel R. Brown, John J. Brown, Cera B. Brown and Effie L. Brown were entitled to enrollment, as citizens of the Cherokee Nation, with all the rights of Cherokees by blood. The application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, was dismissed.

On December 7, 1903, an affidavit was filed with the Commission which shows that Mary T. Stephenson died February 6, 1901. The affidavit is a part of the record in the case. The applicants admitted by the Council in 1875 claim that they are entitled to enrollment as citizens of the Cherokee Nation of Delaware blood, and that they are entitled to the same rights as registered Delawares. That their contention and the contention of their Attorney is erroneous, is too evident to admit of discussion. The Supreme Court of the United States in the case of Delaware Indians versus Cherokee Nation, (U.S. Reports 193, page 127), briefly stated, held that the registered Delawares living at the time of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made, share equally with Cherokees in the remainder of the Cherokee landed estate. Furthermore the Comptroller of the Treasury in an opinion of March 1, 1903, with

reference to whether what are known as Kansas Indians, that is Delaware Indians admitted by the Cherokee Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867, are entitled to share in the \$150,000 appropriated for the Delawares by Act of April 21, 1904, (33 Stats., 822), said:

From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1866, ~~supra~~, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum.

In view of the holding of the Supreme Court, and considering the opinion of the Comptroller of the Treasury, just referred to, I am firmly convinced that the action of the Commission declaring the persons above named entitled to enrollment, with all rights of native Cherokees, is correct, and its approval is recommended.

There are several other cases similar to the one now transmitted pending before this Office, and in transmitting said cases this report will be referred to.

Very respectfully,

G. F. Larrabee,

Acting Commissioner,

(G. A. W.) P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F.

LLB

D. C. 17598-1908
I. T. D. 3022-1908.
LRS.

March 31, 1908.

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

Gentlemen:

On January 10, 1908, you transmitted the record relative to the application of Mary A. Tiblow et al. for enrollment as citizens of the Cherokee Nation of Delaware blood; also a motion to reopen said case and modify the judgement of your Commission rendered May 16, 1904, so that said judgement may entitle the applicants to all the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

It appears that Mary A. Tiblow and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved November 30, 1875; that Mary T. Stephenson and Rosanna E. Connor, under the name of Rosanna Stephenson, were admitted to citizenship by an act of the Cherokee National Council approved December 5, 1876. Each of said acts provides that the applicant pay into the Cherokee Treasury the sum of \$250 each. You state in your decision that there is no record evidence of the payment of such sums into the Cherokee treasury.

It also appears that all of the adult applicants are identified on the Cherokee authenticated tribal roll of 1860, and all of the applicants excepting Walter and Henrietta Stephenson

are identified on the Cherokee census roll of 1896. Said Walter and Henrietta Stephenson are identified by birth affidavits.

May 16, 1904, you held that the applicants in this case are entitled to enrollment as citizens of the Cherokee Nation.

Subsequent to your decision a brief was filed on behalf of the applicants requesting that your Commission modify its decision so that said decision would entitle the applicants to the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

In January 7, 1905, you denied said request.

Transmitting your report March 23, 1905, the Acting Commissioner of Indian Affairs also transmitted a communication from the attorney for the applicants and brief filed by him on behalf of the applicants in this case and certain other applicants mentioned in said brief.

The Acting Commissioner invites the attention of the Department to the decision of the Supreme Court of the United States in the case of "Delaware Indians vs. Cherokee Nation," in which it was held that the registered Delawares living at the date of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made share equally with the Cherokees in the remainder of the Cherokee Landed estate. He also invites attention to the opinion of the Comptroller of the Treasury rendered March 1, 1905, relative to the right of Delaware Indians admitted by the Cherokee

Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1807 to share in the \$150,000 appropriated for the Delawares by act of April 21, 1806 (23 Stat., 222), and quotes from said opinion the following:

"From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IV of the treaty of July 4, 1806, ~~expressly~~ elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum."

The Acting Commissioner recommends that your decision be approved. A copy of his letter is inclosed.

Under the opinion of the Comptroller of the Treasury above cited, it is clear that the applicants are not entitled to the rights of registered Delawares. Your decision is therefore approved.

Respectfully,

1 inclosure,

(Signed) E. A. Hitchcock,
Secretary.

COPY

Cherokee 10403.

Muskogee, Indian Territory, April 17, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are advised that the Commission is in receipt of departmental letter of March 31, 1905, affirming the Commission's action of January 7, 1905, refusing to modify its decision of May 16, 1904, granting the application of Rosanna S. Connor for enrollment as a citizen of the Cherokee Nation of Delaware blood, so that the said Rosanna S. Connor might be enrolled as a Registered Delaware.

Respectfully,

SIGNED: *James Birby*
Chairman.

COPY.

Cherokee 10403.

Muskogee, Indian Territory, April 17, 1904.

Rosanna S. Conner,

Vinita, Indian Territory.

Dear Madam:

You are advised that the Commission is in receipt of departmental letter of March 21, 1904, affirming the Commission's action of January 7, 1904, refusing to modify its decision of May 16, 1904, granting the application for your enrollment as a citizen of the Cherokee Nation of Delaware blood, so that you might be enrolled as a Registered Delaware.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Tamm Bixby,
Chairman.

COPY.

Cherokee 10603.

Muskogee, Indian Territory, April 17, 1908.

W. H. Kornegay,

Attorney for Rebecca S. Connor,

Muskogee, Indian Territory.

Dear Sir:

You are advised that the Commission is in receipt of Departmental letter of April 21, 1908, affirming the Commission's action of January 7, 1908, refusing to modify its decision of May 20, 1904, granting the application of Rebecca S. Connor for enrollment as a citizen of the Cherokee Nation of Delaware blood, so that the said Rebecca S. Connor might be enrolled as a Registered Delaware.

Respectfully,

JAMES BLIXBY,
Chairman.

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Roraima Ste...
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Cher 10404

Fannie F. Stephenson

Trans. from Delaware No. 10
(Old Series)

Cher 10404

A
Del 10

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 22 1900

[Handwritten signature]
ACTING CLERK

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WINTA, I.T., SEPTEMBER 21st, 1900.

IN THE MATTER OF THE APPLICATION OF Fannie F. Stephenson and children for enrollment as citizens of the Cherokee Nation, and, she being sworn by Commissioner, J. L. Breckinridge, testified as follows:

- Q What is your full name? A Fannie F. Stephenson.
Q What is your age? A Twenty three.
Q What is your Postoffice? A Hetchum.
Q In what district do you live in? A Delaware.
Q Do you intend to have put on the rolls?
A Myself and two children.
Q Are you a Cherokee by blood? A Delaware.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q All your life, have you? A Yes sir.
Q You are on the roll of 1880, are you? A Yes sir.
Q And 1896? A Yes sir.
Q What district did you live in in 1880? When you were a child?
A Delaware.
Q What is your maiden name? A Stephenson, has always been my name.
Q Are these children your children? A Yes sir.
Q When were you married? A I have never been married.
Q What is the name of your father? A Andrew Stephenson.
Q Delaware or white man? A White man.
Q Dead or living? A Dead.
Q How long has he been dead? A He died the 31st of March, 1900.
Q Give me your mother's given name? A Mary T., or C. Stephenson.
Q Indian or white woman? A Indian.
Q Dead or living? A She is living.
Q Give me the names of these children please?
A Freddi Stephenson.
Q How old is that child? A Six years old.
Q The next child, please? A Walter Stephenson.
Q How old is that child? A Three years old.
(1880 Roll, Page 317, #240, Fannie Stephens, Delaware D'ist)
(1896 Roll, Page 624, #73, Fannis F. Stehpens, Delaware D'ist)
(1896 Roll, Page 624, #74, Freddie Stephens, Delaware D'ist)

Q These children are living now, are they? A Yes sir.
The applicant applies for the enrollment of herself and two children: She is identified with her family on the rolls of 1880 and 1896. She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Delaware.
Her child, Freddie, is identified with her on the roll of 1896; he is living at this time, and will be listed for enrollment upon a straight card with his mother. When a proper certificate of the birth of the child, Walter is furnished, this child also will be listed upon a straight card with his mother.

The undersigned, being sworn, states that as a notary to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 22nd day of September, 1900.


COMMISSIONER.

7B.
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1900


ACTING CHAIRMAN

D. C. W.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 21 1900 1900.

Name [Handwritten Signature]

District [Handwritten Signature] Year [Blank] Page [Blank] No. [Blank]

Citizen by blood [Blank] Mother's citizenship [Blank]

Intermarried citizen [Blank]

Married under what law [Blank] Date of marriage [Blank]

License [Blank] Certificate [Blank]

Wife's name Fannie Stephenson Kitchum

District DELAWARE Year 1880 Page 317 No. 2404

Citizen by blood Delaware Mother's citizenship Andrew Stephenson - w - d

Intermarried citizen No Mary T. " - del l

Married under what law [Blank] Date of marriage [Blank]

License [Blank] Certificate [Blank]

Names of Children:

| Name | Dist. | Year | Page | No. | Age |
|----------------------|--------------|------|------|-----|-----|
| 2 Freddie Stephenson | COOWESCOOWEE | 1876 | 624 | 74 | 6 |
| 3 Walter | | | | | 3 |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
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| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

1 Cert of Roll as Fannie Stephenson
 2 " 1896 " Freddie " "
 3 affidavits to be supplied

1110

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

In the matter of the application of Mary A. Tiblow, et al. for enrollment as citizens of the Cherokee Nation of Delaware blood, consolidating the applications of,

| | | |
|------------------------------------|----------|-----|
| Mary A. Tiblow,----- | Delaware | 8; |
| Mary T. Stephenson,----- | Delaware | 6; |
| Rosanna S. Connor, et al.,----- | Delaware | 9; |
| Fannie F. Stephenson, et al.,----- | Delaware | 10; |
| Mary A. Gallman, et al.,----- | Delaware | 12; |
| John H. Stephenson, et al.,----- | Delaware | 27; |
| Francis O. Brown, et al.,----- | Delaware | 50. |

D E C I S I O N.

The record in these cases shows that on September 21, 1900, Mary A. Tiblow appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 20, 1900, Mary T. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood. On December 7, 1903, an affidavit was filed with the Commission showing the death of said Mary T. Stephenson on February 6, 1901, which affidavit is made part of this record:

That on September 21, 1900, Rosanna S. Connor appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Mamie G. and Oliver A. Connor, as citizens of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 21, 1900, Fannie F. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Freddie and Walter Stephenson, as citizens of the Cherokee Nation of Delaware blood:

That on September 21, 1900, Mary A. Gallman appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Claud M., Rubie A. and Henrietta Gallman, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Mary A. Gallman, but he is differently classified and is not embraced in this decision:

That on September 23, 1900, John H. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his wife, Rosa L. Stephenson, as citizens of the Cherokee Nation of Delaware blood. On March 22, 1901, a birth affidavit was filed for Mary A. Stephenson,

a child of said John H. and Rosa L. Stephenson born since the date of this application. As Rosa L. Stephenson is the daughter of a registered Delaware, she and her child, Mary A., may have a different status, and as their rights are separately considered they are not embraced in this decision:

That on October 1, 1900, Frances O. Brown appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Daniel R., John J., Cora B. and Effie L. Brown, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Frances O. Brown, but he is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903.

The evidence shows that Mary A. Tiblow is of Delaware blood; that Mary T. Stephenson and Frances O. Brown are adult children of said Mary A. Tiblow, and that Rosanna S. Connor, Fannie F. Stephenson, Mary A. Gallman and John H. Stephenson are adult children of said Mary T. Stephenson.

Rosanna S. Connor was married to Silas H. Connor, a white man, now deceased, in 1884, and Mamie G. and Oliver A. Connor are the issue of that marriage. Freddie and Walter Stephenson are the minor children of Fannie F. Stephenson. Mary A. Gallman was married to Jesse M. Gallman, a white man, in 1889, and Claud M., Rubie A. and Henrietta Gallman are the issue of that marriage. Frances O. Brown was married to John A. Brown, a white man, in 1872, and Daniel R., John J., Cora B. and Effie L. Brown are the issue of that marriage.

All the adult applicants are identified on the Cherokee authenticated tribal roll of 1880, and all the applicants, excepting Walter and Henrietta Stephenson, are identified on the Cherokee Census roll of 1896. Walter and Henrietta Stephenson are identified by birth affidavits made a part of this record.

It further appears that the residence of Mary A. Tiblow, Rosanna S. Connor, Mary A. Gallman and John H. Stephenson has been in the Cherokee Nation since 1880, and that Fannie F. Stephenson was born and has resided in said Nation all her life. The residence of the minor applicants herein is considered to be that of their parents.

The evidence further shows that Mary A. Tiblow and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved November 30, 1875, and that Mary T. Stephenson, and Rosanna S. Connor under the name of Rosanna Stephenson, were admitted to citizenship by an Act of the Cherokee National Council approved December 5, 1876. Each of said Acts provides that the applicants pay into the Cherokee treasury the sum of \$264.00 each, which was the per capita amount paid by the Delawares under the agreement of April 8, 1867, between the Cherokee Nation and the Delaware tribe of Indians.

There is no record evidence of the payment of such sums into the Cherokee treasury. The agreement of April 8, 1867 provides that,

"The Cherokees, parties of the first part, for and in consideration of certain payments, and the fulfillment of certain conditions hereinafter mentioned, agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 96 west longitude, in the aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon

a certain register made February 13, 1867, by the Delaware agent, and on file in the office of Indian affairs, being the list of the Delawares to be removed to the "Indian country" to which list it is added, only with the consent of the Delaware Council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto;

And in case the Cherokee lands shall hereafter be allotted among the members of said Nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 100 acres for each individual) shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation;

"On the fulfillment by the Delawares of the foregoing stipulations, all the members of the tribe, registered as above provided, shall become members of the Cherokee Nation, with the same rights and immunities, and the same participation (and no other) in the national funds, as Native Cherokees, save as hereinbefore provided."

It is the opinion of this Commission that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rosanna S. Connor acquired under the Acts of the Cherokee National Council, above referred to, all the rights and privileges of Cherokee citizenship; that the children born to them subsequent to the date of their admission take the status of their parents, and that, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1858 (30 Stats., 496), the said Mary A. Tiblow, Rosanna S. Connor, Fannie C. Connor, Oliver A. Connor, Fannie W. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Callman, Claud M. Callman, Fubie A. Callman, Henrietta Callman, John W. Stephenson, Frances O. Brown, Daniel K. Brown, John J. Brown, Cora B. Brown and Effie L. Brown should be enrolled as citizens of the Cherokee Nation, with all the rights of Cherokees by blood, and it is, therefore, so ordered.

It is further ordered by the Commission that the application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, should be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Jams Bixby.
Chairman.

I. B. Needles.
Commissioner.

C. R. Brookridge.
Commissioner.

Muskogee, Indian Territory,
MAY 16 1904

Tahlequah, I. T. May 27th 1904.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

You are hereby advised that the Cherokee Nation does not desire to file a protest against the decision of the Commission of date May 16th 1904 in the matter of the application of Mary A. Tibble et al for enrollment as citizens of the Cherokee Nation of Delaware's blood consolidating the applications of,

| | | |
|----------------------------|----------|-------|
| Mary A. Tibble ----- | Delaware | \$6; |
| Mary T. Stephenson | Del. | \$6; |
| Rosanna S. Connor et al | Del. | \$0; |
| Fannie F. Stephenson et al | Del. | \$10; |
| Mary A. Gallman et al | Del. | \$12; |
| John H. Stephenson et al | Del. | \$27; |
| Frances O. Brown et al | Del. | \$60. |

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

June 10, 1904

McAlester, Indian Territory, June 10, 1904

Fannie F. Stephenson,
McAlester, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the Commissioner's decision dated May 18, 1904, granting, among others, your application for the enrollment of yourself and your two minor children, Freddie and Walter Stephenson, as citizens of the Cherokee Nation of Oklahoma.

Respectfully,

Encl. 7-6

Register.

Chairman.

COPY

Mustagee, Indian Territory, January 10, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Mary A. Tibble, et al., as citizens of the Cherokee Nation of Delaware blood, including the Commission's decision dated May 16, 1904, granting said applications; also the motion of Mary A. Tibble, et al., to re-open said case as to them and modify the judgment heretofore rendered and render a judgment, according to each of them as citizens of the Cherokee Nation, all the rights of registered Delawares, together with the Commission's decision dated January 7, 1906, denying said motion.

Respectfully,

James Bixby.
Chairman.

Encl. 90-70.

(Copy)

Refer in reply to
the following:
Land,
3404-1905,
18,069-1905.

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

March 23, 1905.

The Honorable

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 10, 1905, transmitting the record relative to the application of Mary A. Tiblow, et al., for enrollment as citizens of the Cherokee Nation, of Delaware blood; also motion of Mary A. Tiblow, et al., to reopen said cause and modify the judgment of the Commission rendered in said case and render a judgment according to each of them, as citizens of the Cherokee Nation, all rights of registered Delawares, together with the Commission's decision of January 7, 1905, denying the motion.

There is also enclosed a communication from W. H. Carnegie, Attorney for the applicants, transmitting brief on behalf of the applicants in this case and certain other applicants mentioned in his brief and in his communication.

The parties to this case are as follows: Mary A. Tiblow, Mary T. Stephenson, Rosanna S. Connor, Mamie S., Oliver A. Connor, Fannie F. Stephenson, Freddie and Walter Stephenson, Mary A. Callman, Claud E., Euba A., and Henrietta Callman, John E.

Stephenson, Rosa L. Stephenson, Mary A. Stephenson, Frances O. Brown, Daniel R., John J., Cora B., and Effie L. Brown. Certain other persons were also applicants as intermarried citizens, but as they are differently classed, they are not included in the Commission's decision. Mary A. Stephenson, child of John H., and Rosa L. Stephenson, was born since the date of the application. Rosa L. Stephenson is the daughter of a registered Delaware and as she and her child have a different status, their rights were separately considered by the Commission, and they are not included in its decision of May 16, 1904.

Mary Ann Tibloe (Tiblow) and others were admitted to citizenship in the Cherokee Nation by act of the National Council approved November 30, 1875. The act is as follows:

Be it enacted by the National Council that Mary Ann Tibloe, wife, and R.V.C. Tibloe, son and Francis O. Brown, daughter, of Henry Tiblow, a Delaware Indian, and a citizen of the Cherokee Nation, be, and they are hereby admitted to citizenship in the Cherokee Nation; Provided, that the said Mary Ann Tibloe and R.V.C. Tibloe and Francis O. Brown first pay into the Treasury of the Cherokee Nation the sum of Two Hundred and Eighty-five Dollars each".

It will be observed that the act provides that each applicant shall pay into the Treasury of the Cherokee Nation the sum of \$285 before any rights vest under the act. There is no record evidence of the payment of said sums into the Treasury of the Cherokee Nation.

The Commission found that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rosanna S. Connor were, under the act above quoted, entitled to all the rights and privileges of Cherokee.

citizenship; that children born to them subsequent to the date of their admission take the status of their parents, and that in accordance with the existing law, Mary A. Tihlev, Rosanna S. Conner, Mamie G. Conner, Oliver A. Conner, Fannie F. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Gallman, Claud W. Gallman, Rubie A. Gallman, Henrietta Gallman, John N. Stephenson, Frances O. Brown, Daniel E. Brown, John J. Brown, Cora E. Brown and Effie I. Brown were entitled to enrollment, as citizens of the Cherokee Nation, with all the rights of Cherokees by blood. The application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, was dismissed.

On December 7, 1903, an affidavit was filed with the Commission which shows that Mary T. Stephenson died February 6, 1901. The affidavit is a part of the record in the case. The applicants admitted by the Council in 1878 claim that they are entitled to enrollment as citizens of the Cherokee Nation of Delaware blood, and that they are entitled to the same rights as registered Delawares. That their contention and the contention of their Attorney is erroneous, is too evident to admit of discussion. The Supreme Court of the United States in the case of Delaware Indians versus Cherokee Nation, (U.S. Reports 103, page 127), briefly stated, held that the registered Delawares living at the time of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made, share equally with Cherokees in the remainder of the Cherokee landed estate. Furthermore the Comptroller of the Treasury in an opinion of March 1, 1866, with

-4-

reference to whether what are known as Kansas Indians, that is Delaware Indians admitted by the Cherokee Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867, are entitled to share in the \$150,000 appropriated for the Delawarees by Act of April 21, 1904, (35 Stat., 322), said:

From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1866, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum.

In view of the holding of the Supreme Court, and considering the opinion of the Comptroller of the Treasury, just referred to, I am firmly convinced that the action of the Commission declaring the persons above named entitled to enrollment, with all rights of native Cherokees, is correct, and its approval is recommended.

There are several other cases similar to the one now transmitted pending before this Office, and in transmitting said cases this report will be referred to.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

(S. A. V.) P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F.

L13

D. C. 17300-1906.
I. T. D. 3022-1908.
LRS.

March 21, 1908.

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

Gentlemen:

On January 10, 1908, you transmitted the record relative to the application of Mary A. Tibble et al. for enrollment as citizens of the Cherokee Nation of Delaware blood; also a motion to reopen said case and modify the judgment of your Commission rendered May 16, 1904, so that said judgment may entitle the applicants to all the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

It appears that Mary A. Tibble and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved November 30, 1875; that Mary T. Stephenson and Rosanna S. Connor, under the name of Rosanna Stephenson, were admitted to citizenship by an act of the Cherokee National Council approved December 3, 1876. Each of said acts provides that the applicant pay into the Cherokee Treasury the sum of \$204 each. You state in your decision that there is no record evidence of the payment of such sums into the Cherokee treasury.

It also appears that all of the adult applicants are identified on the Cherokee authenticated tribal roll of 1860, and all of the applicants excepting Walter and Henrietta Stephenson

are identified on the Cherokee census roll of 1896. Said Walter and Henrietta Stephenson are identified by birth affidavits.

May 16, 1904, you held that the applicants in this case are entitled to enrollment as citizens of the Cherokee Nation.

Subsequent to your decision a brief was filed on behalf of the applicants requesting that your Commission modify its decision so that said decision would entitle the applicants to the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

On January 7, 1906, you denied said request.

Transmitting your report March 23, 1906, the Acting Commissioner of Indian Affairs also transmitted a communication from the attorney for the applicants and brief filed by him on behalf of the applicants in this case and certain other applicants mentioned in said brief.

The Acting Commissioner invites the attention of the Department to the decision of the Supreme Court of the United States in the case of "Delaware Indians vs. Cherokee Nation," in which it was held that the registered Delawares living at the date of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made share equally with the Cherokees in the remainder of the Cherokee Landed estate. He also invites attention to the opinion of the Comptroller of the Treasury rendered March 1, 1906, relative to the right of Delaware Indians admitted by the Cherokee

Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867 to share in the \$100,000 appropriated for the Delaware by act of April 21, 1904 (35 Stat., 222), and quotes from said opinion the following:

"From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$100,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1860, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum."

The Acting Commissioner recommends that your decision be approved. A copy of his letter is inclosed.

Under the opinion of the Comptroller of the Treasury above cited, it is clear that the applicants are not entitled to the rights of registered Delaware. Your decision is therefore approved.

Respectfully,

(Signed, E. A. Hitchcock,
Secretary.)

1 inclosure.

Land-P.T.
230-10
J E D

Certified copy of
birth affidavit.

| | |
|-----------------------|-----|
| DEPARTMENT | |
| RECEIVED | |
| JAN 18 1919 | |
| NO. | 210 |
| FIVE CIVILIZED TRIBES | |

JAN 13 1919

Mr. Gabe E. Parker,

Supt., Five Civilized Tribes,

My dear Mr. Parker:

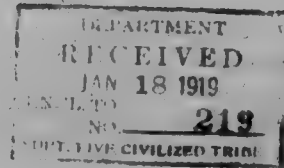
Referring to the request of December 30, 1918, of the Acting Superintendent for the Five Civilized Tribes that there be furnished for the official use of your office a certified copy of the birth affidavit filed in the case of Walter Stephenson, Cherokee by blood, Roll No. 38204, a certified photographic copy of said birth affidavit is transmitted.

Very truly yours,

[Handwritten Signature]
Assistant Commissioner.

1-3-CVB

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



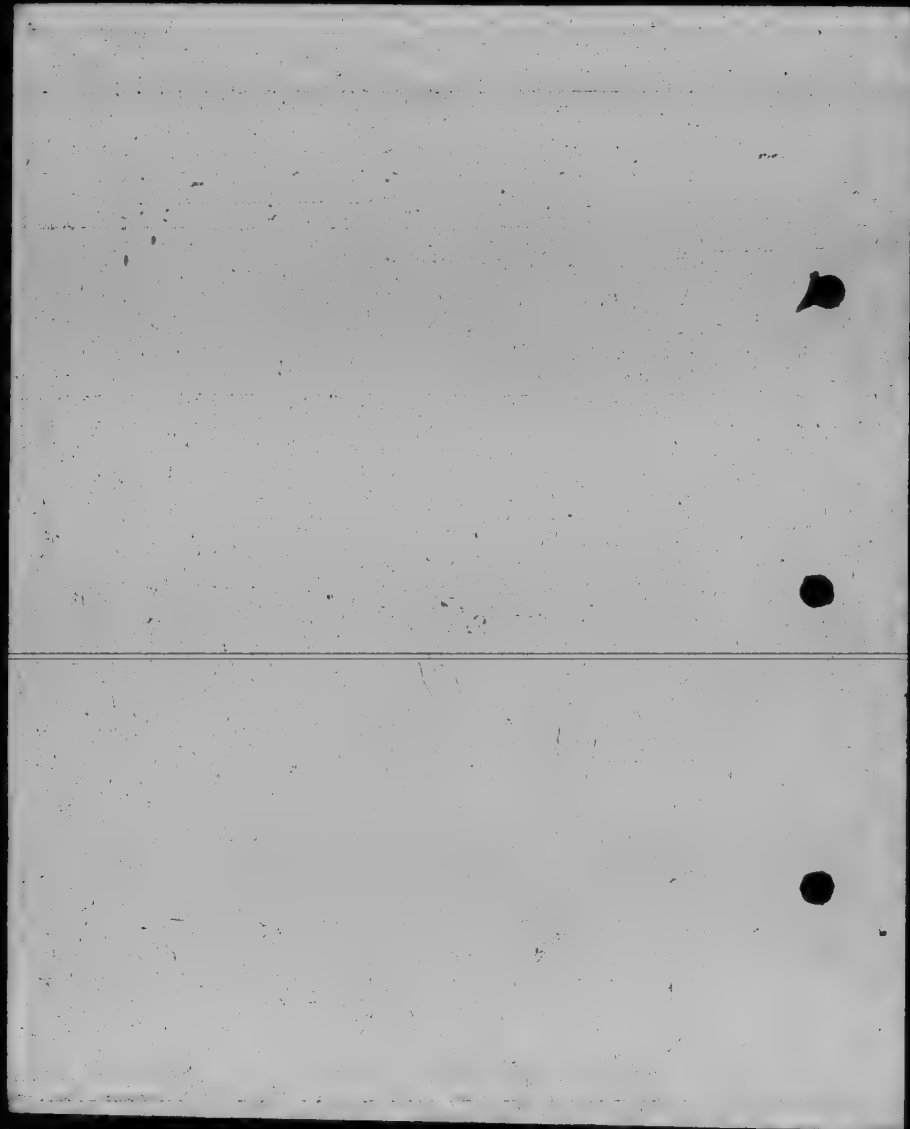
WASHINGTON, JAN 11 1919, 191

I, E. B. Meritt, Assistant-----, Commissioner
of Indian Affairs, do hereby certify that the paper---hereto attached
-----is a----- true copy --- of the original---as the same
appears-----on file----- in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed, on the day and year first
above written.



E. B. Meritt
Assistant Commissioner.



IN RE

Application for Enrollment of

INFANT CHILD

Paula Stephens

as a citizen of the

United States

Nation.

Approved. **SEP 21 1900**

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 21 1900

RECEIVED
JAN 18 1915
219
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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

IN RE Application for Enrollment as a citizen of the Cherokee Nation,
of Walter Stephenson, born on the 15th day of Dec. 1897
Name of Father: Fannie Stephenson, a citizen of the Cherokee Nation.
Name of Mother: Fannie Stephenson, a citizen of the Cherokee Nation.
Post-office, Ketchum, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY

Wichita District.

I, Fannie Stephenson, do hereby swear on oath that I am 23 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of [Name], who is a citizen, by [Name], of the Cherokee Nation; that a male child was born to me on the 15th day of Dec. 1897; that said child has been named Walter Stephenson, and is now living.

WITNESSES TO SIGN

Fannie Stephenson

Subscribed and sworn to before me on the 17th day of Sept. 1910.

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY

Wichita District.

I, Mary St. [Name], do hereby swear on oath that I attended on Mrs. Fannie Stephenson on the 15th day of Dec. 1897; that there was born to her on said date a male child, that said child was named Walter Stephenson.

WITNESSES TO SIGN

Mary St. [Name]
Fannie Stephenson

Subscribed and sworn to before me on the 17th day of Sept. 1910.

NOTARY PUBLIC

Cher 10405

Daniel M. Weaver

Trans. from Delaware No. 11

(Old Series)

Cher 10405

1100
Subscribed and sworn to before me this 12th day of November, 1907.

the original transcript.

foregoing copy, and that the same is a fair and complete copy of
shown to the Commission for the Five Civilized Tribes in accordance

Alphonse H. ... states that an original

1907

Subscribed and sworn to before me this 12th day of October, A. D.

1100

affidavits in notes thereof.

and that the foregoing is a correct and complete transcript of his
testimony and other proceedings in this case taken for enrollment
Commission for the Five Civilized Tribes be corrected as recorded the

The undersigned, being sworn, states that an affidavit as to the

enrollment of the undersigned Cherokee citizen.

married in 1890. The said John Weaver will be duly listed on
book, being made that he is an unmarried white man having been

of 1888 as well as the said John Weaver in and upon the census roll

of 1888 as well as the said John Weaver in and upon the census roll
of the said Commission as Cherokee citizen of the said

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

ACTING CHAIRMAN

1907

W. S. Wellman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1900.

In the matter of the application of Mary Weaver for the enrollment of herself, her husband and children as Cherokee citizens.

The said Mary Weaver, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Mary Weaver.
- Q What is your age? A Forty-eight.
- Q What is your postoffice address? A Vinita.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q By blood? A No, sir, I am a Delaware.
- Q What degree of blood do you claim? A I am a half breed.
- Q What is the name of your father? A John A. Randall.
- Q Is he living? A No, sir.
- Q What is the name of your mother? A Elisa.
- Q Is she dead? A Yes, sir.
- Q For whom do you apply? A For myself and children.
- Q What are the names of your children? A The eldest one at home is David M. Weaver; twenty years old.
- Q What is the name of the next one? A John S. Weaver.
- Q How old is he? A He is nineteen.
- Q The next? A Basil; seventeen years old.
- Q The next? A Arnetta; twelve years old.
- Q The next? A George N., eight years old.
- Q The next? A Rosella, six years old.
- Q You have six children? A Yes, sir.
- Q Are these children all alive and living with you? A Yes, there is two of them that is working out.
- Q They are all living are they? A Yes, sir.
- Q Your name is Mary Weaver? A Yes, sir.
- Q What is your husband's name? A John Weaver.
- Q How old is John? A Fifty-six.
- Q Do you want to enroll him? A I reckon he ought to go on there; we were married in 1870.
- Q Is he living? A Yes, sir.
- Q Is he a white man or an Indian? A He is a white man.
- Q When did you marry him? A 1870.
- Q Have you been living with him ever since? A Yes, sir.

- 1880 roll, page 330, No. 2056, John Weaver, Delaware District.
- 1880 roll, page 330, No. 2057, Delaware District. *Mary Weaver*
- 1880 roll, page 330, No. 2058, David M. Weaver, Delaware District.
- 1896 roll, page 290, No. 762, John Weaver, Coconino District.
- 1896 roll, page 391, No. 763, Mary Weaver, Coconino District.
- 1896 roll, page 391, No. 764, David M. Weaver, Coconino District.
- 1896 roll, page 391, No. 765, John Weaver, Coconino District.
- 1896 roll, page 391, No. 766, Basil Weaver, Coconino District.
- 1896 roll, page 391, No. 767, Nettie Weaver, Coconino District.

1896 roll, page 391, No. 766, Nettie Weaver, ~~Seowweseowee~~
District.

1896 roll, page 391, No. 767, George H. Weaver, ~~Seowweseowee~~
District.

1896 roll, page 391, No. 768, Rosella Weaver, ~~Seowweseowee~~
District.

THE COMMISSIONER: The name of Mary Weaver appears upon the authenticated roll of 1880, as well as the census roll of 1896; and the names of her children David M., John Q., Basil, Arnetta, George H., and Rosella, appear upon the census roll of 1896--the name of the said David M. also appears upon the authenticated roll of 1880. They being duly identified according to the page and number of the rolls indicated in the testimony, and having made satisfactory proof as to their residence, the said Mary Weaver and her said children as enumerated in the testimony will be listed for enrollment by this Commission as Cherokee citizens of Belknap blood.

The name of the said John Weaver is found upon the census roll of 1896 as well as the authenticated roll of 1880. Satisfactory proof being made that he is an intermarried white, having been married in 1870, the said John Weaver will be duly listed for enrollment as an intermarried Cherokee citizen.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

(Signed) Wm. S. Wallishear.

Subscribed and sworn to before me this 2nd day of October, A. D. 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur Croninger

Subscribed and sworn to before me this 15th day of November, 1901.

W. D. Green
Notary Public
Commissioner.

73

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 21 1900



ACTING CHAIRMAN

Rec 11

156

5

CHEROKEES BY BLOOD AND ADOPTION.

SEP 21 1900

Date Viola J. J. 1900.

Name John Weaver

District DELAWARE

Year 1880 Page 328 No. 2956

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen yes

Married under what law _____ Date of marriage _____

License 39 Certificate _____

Wife's name Mary Weaver

District DELAWARE

Year 1880 Page 338 No. 2957

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| No. | Name | Dist. | Year | Page | No. | Age |
|-----|-----------------|---------------|------|------|------|-----|
| 0 | David M. Weaver | DELAWARE | 1880 | 338 | 2957 | 20 |
| 1 | John Q | COOWEE SCOWEE | 1896 | 391 | 764 | 19 |
| 5 | Dasil | COOWEE SCOWEE | | 391 | 765 | 17 |
| 4 | Arnetta | COOWEE SCOWEE | | 391 | 766 | 12 |
| 7 | George H | COOWEE SCOWEE | | 391 | 767 | 8 |
| 8 | Rozella | COOWEE SCOWEE | | 391 | 768 | 6 |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

1 on 1896 roll as John Weaver
 6 on 1896 roll as Nettie Weaver

111

11. 2

Q And I lived in the Globe as a boy and since they were born
Q There six I have named six of them. A Yes 3 L.

Q You have got six more. A Yes six, they lived one married. This
Q Asst. A He is home.

Q Now you'd say. A He is away.

Q And you'd say. A In your presence, called him. He had
Q And you'd say. A He is away.

Q He is away. A He is away.

Q He is away. A He is away.

Q He is away. A He is away.

Q He is away. A He is away.

Q He is away. A He is away.

Q He is away. A He is away.

Q He is away. A He is away.

Q He is away. A He is away.

Q He is away. A He is away.

Q He is away. A He is away.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 28, 1903.

In the matter of the application of Mary Weaver for the enrollment of herself and her children, David M., John Q., Basil, Arnetta, George H. and Rosella Weaver, as citizens by blood of the Cherokee Nation.

Mary Weaver, being duly sworn, and examined by the Commission, testified as follows:

- Q State your name? A Mary Weaver.
Q How old are you? A Fifty years old last December.
Q What is your postoffice? A Vinita.
Q Are you a Delaware by blood? A Yes sir, I am supposed to be a Delaware all my life.
Q How long have you lived in the Cherokee Nation? A Since '89.
Q Since the Delawares came to the nation? A Yes sir.
Q Lived here all the time? A Yes sir, never been out.
Q What is your husband's name? A John Weaver.
Q Is John Weaver a citizen of the Nation? A By marriage he is.
Q When were you married? A In '85.
Q Was that your first marriage? A ~~Yes~~ No sir.
Q You had been married before? A I was married to R. J. Journeyoake before.
Q Was Journeyoake dead before you married John Weaver? A Yes sir.
Q Was John Weaver ever married before? A I don't know about him; no sir.
Q Have you and John Weaver lived in the Cherokee Nation ever since you were married? A Yes sir, ever since we have been here.
Q How many children have you? A Seven living and four dead.
Q What is the youngest one's name? A Rosella.
Q Is David living? A Yes sir.
Q He is of age now? A Yes sir.
Q Has he lived in the Cherokee Nation? A He has been in the Cherokee Nation all his life except the last month.
Q Where is he now? A In Los Angeles, California. He has not gone there to live.
Q Now John Q.? A He is alive.
Q Basil? A He is home.
Q Arnetta, George H. and Rosella? A They are all at home.
Q You have got six then? A Yes sir, and I have one married. This one is here. I have two of my own married.
Q These six I have named are all living? A Yes sir.
Q And lived in the Cherokee Nation ever since they were born?
A Yes sir, never been out.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Ketchumberger

Subscribed and sworn to before me this 5th day of May, 1903.

Samuel F. ...

del 11

CHAIRMAN

COMMISSIONER

The Commission on the Administration of the
 Government of the District of Columbia
 has the honor to acknowledge the receipt of
 your report on the subject of the
 proposed reorganization of the
 District Government. The Commission
 has reviewed the report and is
 pleased to note the thoroughness
 of the study and the soundness
 of the recommendations. The
 Commission is in full agreement
 with the findings and
 recommendations of your
 report and is confident that
 the proposed reorganization
 will result in a more
 efficient and economical
 administration of the
 District Government.

RECOMMENDATIONS

COMMISSIONER

The Commission on the Administration of the
 Government of the District of Columbia
 has the honor to acknowledge the receipt of
 your report on the subject of the
 proposed reorganization of the
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 has reviewed the report and is
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 of the study and the soundness
 of the recommendations. The
 Commission is in full agreement
 with the findings and
 recommendations of your
 report and is confident that
 the proposed reorganization
 will result in a more
 efficient and economical
 administration of the
 District Government.

COMMISSIONER

Delaware #11.

JR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.

In the matter of the application of MARY WEAVER, for the enrollment of herself and children, David M., John G., Basil, Arnetta, George H. and Rosella Weaver, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Mary Weaver, as Mary Randall, No. 951.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

C. R. Bushington
Commissioner.

RP

Cher 10406

Mary A. Gallman

Trans. from Delaware No. 12

(Old Series)

Cher 10406

Dec 12. 7

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

FILED
SEP 28 1900

~~Handwritten signature~~

ACTING CHAIRMAN

Handwritten signature

Handwritten signature

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WETA, I. T., SEPTEMBER 21st, 1900.

IN THE MATTER OF THE APPLICATION OF Mary Ann Gallman, husband and children for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A Mary Ann Gallman.
Q What is your age? A Thirty one.
Q What is your Postoffice? A Ketchum.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A Myself, husband and three children.
Q Do you apply as a Cherokee by blood? A Delaware.
Q What is your husband? A A white man.
Q How long have you lived in the Cherokee Nation? A Twenty four years.
Q What was your maiden name? A Stephenson.
Q When were you married? A In 1889.
Q Have you any marriage license and certificates? A I have a duplicate; my marriage license burned up.
Q What is your father's name? A Andrew Stephenson.
Q What is your mother's name? A Mary G. or T. Stephenson.
Q Give me your husband's name? A Jesse M. Gallman.
Q How old is he? A Thirty nine.

The applicant presents an official copy of her marriage license and certificate, showing that she and her husband, as stated by her, were licensed in accordance with Cherokee law to be married, the license being issued by the Clerk of Delaware District, under date of April 2nd, 1889, and that they were married on April 4th of the same year, the Reverend Charles Tucker, officiating. These papers are filed herewith.

Q Has your husband lived with you ever since your marriage in 1889? A Yes sir.

Q Is he living with you now? A Yes sir.

Q Where is he? A Back here somewhere (indicating the ground)

Q Give me the names of your children, please? A Claud Monroe.

Q How old is that child? A Ten years old.

Q Next child? A Rubie A.

Q How old is that child? A Six.

Q Next child? A Henrietta.

Q How old is she? A Six months.

(1890 Roll, Page 620, #14, Mary A. Gallman, Delaware District)

(1896 Roll, Page 573, #209, Jessie (M) Gallman, Delaware Dist)

(1896 Roll, Page 620, #15, Claud M. Gallman, Delaware Dist)

(1896 Roll, Page 620, #16, Rubie A. Gallman, Delaware District)

The applicant applies for the enrollment of herself, husband and three children: She is identified on the rolls of 1890 and 1896, as an adopted Delaware; she has lived in the Cherokee Nation for the last twenty four years, and her change of name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as an adopted Delaware.

Q Your children are living now, are they? A Yes sir.

Her husband is identified with her on the roll of 1896; he is a white man, and his marriage is established by the license and certificate filed herewith. He has lived with her ever since their marriage in 1889, and he will be listed now for enrollment as a Cherokee by adoption. Their children, Claud M., and Rubie A., are identified with their parents on the roll of 1896; they are living at this time, and they will be listed for enrollment upon a straight card, with their mother. When a proper certificate of the birth of the child, Henrietta is supplied the Commission, it also will be listed for enrollment with its mother at this time.

The undersigned, being sworn, states that as Commissioner of the

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

Commissioner of the General Land Office, he correctly recorded the testimony and evidence in this case, and that the foregoing is a true and correct copy of his stenographic notes thereon.

[Handwritten signature]

Subscribed and sworn to before me
this 22nd day of September, 1900.

[Handwritten signature]

COMMISSIONER.

Dec 12 '03.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 21 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 21 1900

1 Name Jesse M. Gallman
 District COOWESSCOOWEE DELAWARE Year 1896 Page 573 No. 209
 Citizen by blood No Mother's citizenship

Intermarried citizen Yes
 Married under what law _____ Date of marriage 1899

License _____ Certificate _____

2 Wife's name Mary A. Gallman
 District DELAWARE Year 1896 Page 317 No. 2402

Citizen by blood Dea. m. Mother's citizenship Andrew
 Intermarried citizen Mary C.
 Married under what law _____ Date of marriage 1896 89

License Filed SEP 21 1900 Certificate Filed SEP 21 1900

Names of Children:

| No. | Name | Dist. | Year | Page | No. | Age |
|-----|-------------------------|-----------------|-------------|------------|-----------|-----------|
| 3 | <u>Clara M. Gallman</u> | <u>DELAWARE</u> | <u>1896</u> | <u>620</u> | <u>15</u> | <u>10</u> |
| 4 | <u>Ruby A.</u> | <u>"</u> | <u>"</u> | <u>620</u> | <u>16</u> | <u>6</u> |
| 5 | <u>Henrietta</u> | <u>"</u> | <u>"</u> | <u>"</u> | <u>"</u> | <u>6</u> |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
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| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

2 On 1898 Row in Mary Ann Stephens
 1 " 1896 " Jesse M. Gallman
 4 " " Ruby A.
 3 - Affidavit to be supplied

620

Del 12

Revised 1911

1911

1911

THE BOARD OF SUPERVISORS
COUNTY OF ALBANY
STATE OF NEW YORK
OFFICE OF THE CLERK
ALBANY, N. Y.
JANUARY 12, 1911

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Cherokee Land Office,
 Tahlequah, I.T., November 21, 1903.

In the matter of the application of MARY A. GALLMAN for the enrollment of herself and her children, CLAUD M., RUBIE A. and HENRIETTA GALLMAN, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A William T. Davis.
 Q How old are you? A I am 60 years old.
 Q What is your postoffice address? A Ketchum.
 Q You are a citizen by intermarriage of the Cherokee Nation, are you? A Yes sir.
 Q How long have you been a citizen by intermarriage? A I was married in '72.
 Q You are a member of the Cherokee Senate, are you not?
 A Yes sir.
 Q Do you know Jesse M. Gallman? A Yes sir.
 Q About how old is he? A I guess about 50 years old, maybe not over 48; I don't know his age.
 Q Does he claim to be a Cherokee by intermarriage? A Yes sir.
 Q What is his postoffice? A Ketchum.
 Q How long have you known him? A Well, let me see, 14 or 15 years.
 Q Do you know his wife? A Yes.
 Q How long have you known her? A Ever since she was a small girl.
 Q What is her name? A I think her name is Mary; she goes by the name of Maid.
 Q Have you known Jesse Gallman ever since he married his present wife? A Yes sir.
 Q She has lived in the Cherokee Nation ever since you have known her? A She's lived there ever since the old man Stevenson came there.
 Q When was that? A Let me see, I guess about '81 or '2; it was along about in '80 I guess.
 Q They came here and were readmitted? A Yes sir, she's on the '80 roll.
 Q And she was readmitted as a Delaware, was she not? A Yes sir.

- Q Has Mary Gallman some children? A Yes sir.
Q How many? A I think 3; I am not positive.
Q Were these children born in the Cherokee Nation?
A Yes sir.
Q Have they lived in the Cherokee Nation all their lives?
A Yes sir.
Q And Jesse M. Gallman has lived here ever since he was married?
A Why, he went one trip to Texas and was gone maybe a year.
Q Did his wife go with him? A No sir.
Q She has been here ever since she was readmitted? A Yes sir.
Q And these children were born and raised here? A Yes sir.
Q And they are living here now? A Why, she's living out here
at Catoosa; she quit this man Gallman and I've not seen her for
about a year I guess it was.

Mabel F. Maxwell, being duly sworn, states that, as
stenographer to the Commission to the Five Civilized Tribes,
she correctly recorded the supplemental testimony in this case,
and that the above and foregoing is a true and complete transcript
of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 12th day of December, 1903.

Samuel Forman

Notary Public.

2012

1 The first of these is the fact that the...

2 ...the fact that the...

3 ...the fact that the...

4 ...the fact that the...

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13 ...the fact that the...

To be filed with
Delaware 12, Mary A. Gallman et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of MARY A. TIBLOW for
enrollment as a citizen of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the
Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I'm 60 years old.
Q What is your postoffice address? A Ketchum.
Q You're a citizen by intermarriage of the Cherokee Nation, are you not? A Yes sir.
Q How long have you been a citizen by intermarriage? A I was married in '72.
Q You're a member of the Cherokee Senate, are you not? A Yes sir.
Q Do you know Mary A. Tiblow, an old lady about 80 years old?
A Yes sir.
Q What is her postoffice address? A Ketchum I think would be her postoffice address.
Q How long have you known her? A Oh, 20 years or more.
Q Is she any relation to you? A No sir.
Q She any relation to your wife? A Well, I don't know that she is.
Q Have you known Mary A. Tiblow ever since she came to the nation?
A I think I have.
Q How long has she been here? About what year did they come? A Well now, I think she came with the outfit along about '78 or '79 if she came with Browns and Stevensons and them; I am not sure she did.
Q Has she got a daughter named Frances O. Brown? A Yes sir.
Q How long have you known her? A Since '80.
Q And another daughter named Mary T. Stevenson? A Yes, she's dead.
Q How long have you known her? A Since '80 till she died.
Q Mary T. Stevenson had a daughter whose name is now Rosanna S. Gomer and another named Mary Gallman? A Yes sir.
Q How long have you known them? A Ever since they came here, in '79 or '80.
Q Did these people all come down here together? A Why, the Browns and the Stevensons came at the same time.
Q They came here and were readmitted by the Cherokee Council as Delawares? A Yes sir, that's my understanding.
Q Did you ever hear they claimed to have been here before they came down in '79 or '80? A No sir.

Mabel P. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me
this 12th day of December, 1903.

Mabel P. Maxwell
Samuel Freeman
Notary Public

44

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

In the matter of the application of Mary A. Tiblow, et al. for enrollment as citizens of the Cherokee Nation of Delaware blood, consolidating the applications of,

| | | |
|-------------------------------|----------|-----|
| Mary A. Tiblow, | Delaware | 8; |
| Mary T. Stephenson, | Delaware | 6; |
| Rosanna S. Connor, et al., | Delaware | 9; |
| Fannie F. Stephenson, et al., | Delaware | 10; |
| Mary A. Gallman, et al., | Delaware | 12; |
| John H. Stephenson, et al., | Delaware | 27; |
| Frances O. Brown, et al., | Delaware | 50. |

D E C I S I O N.

The record in these cases shows that on September 21, 1900, Mary A. Tiblow appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 20, 1900, Mary T. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood. On December 7, 1903, an affidavit was filed with the Commission showing the death of said Mary T. Stephenson on February 6, 1901, which affidavit is made part of this record:

That on September 21, 1900, Rosanna S. Connor appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Mamie G. and Oliver A. Connor, as citizens of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 21, 1900, Fannie F. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Freddie and Walter Stephenson, as citizens of the Cherokee Nation of Delaware blood:

That on September 21, 1900, Mary A. Gallman appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Claud H., Hubie A., and Henrietta Gallman, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Mary A. Gallman, but he is differently classified and is not embraced in this decision:

That on September 26, 1900, John H. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his wife, Rosa L. Stephenson, as citizens of the Cherokee Nation of Delaware blood. On March 22, 1901, a birth affidavit was filed for Mary A. Stephenson, a child

That on October 1, 1900, Frances O. Brown appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Daniel M., John J., Cora B. and Effie L. Brown, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Frances O. Brown, but he is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903.

The evidence shows that Mary A. Tiblow is of Delaware blood; that Mary T. Stephenson and Frances O. Brown are adult children of said Mary A. Tiblow, and that Rosanna S. Connor, Fannie F. Stephenson, Mary A. Gallman and John H. Stephenson are adult children of said Mary T. Stephenson.

Rosanna S. Connor was married to Silas H. Connor, a white man, now deceased, in 1884, and Mamie G. and Oliver A. Connor are the issue of that marriage. Freddie and Walter Stephenson are the minor children of Fannie F. Stephenson. Mary A. Gallman was married to Jesse M. Gallman, a white man, in 1889, and Claud M., Rubie A. and Henrietta Gallman are the issue of that marriage. Frances O. Brown was married to John A. Brown, a white man, in 1872, and Daniel M., John J., Cora B. and Effie L. Brown are the issue of that marriage.

All the adult applicants are identified on the Cherokee authenticated tribal roll of 1880, and all the applicants, excepting Walter and Henrietta Stephenson, are identified on the Cherokee Census roll of 1896. Walter and Henrietta Stephenson are identified by birth affidavits made a part of this record.

It further appears that the residence of Mary A. Tiblow, Rosanna S. Connor, Mary A. Gallman and John H. Stephenson has been in the Cherokee Nation since 1880, and that Fannie F. Stephenson was born and has resided in said Nation all her life. The residence of the minor applicants herein is considered to be that of their parents.

The evidence further shows that Mary A. Tiblow and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved November 30, 1875, and that Mary T. Stephenson and Rosanna S. Connor under the name of Rosanna Stephenson, were admitted to citizenship by an Act of the Cherokee National Council approved December 5, 1876. Each of said Acts provides that the applicants pay into the Cherokee treasury the sum of \$204.00 each, which was the per capita amount paid by the Delawares under the agreement of April 8, 1867, between the Cherokee Nation and the Delaware tribe of Indians.

There is no record evidence of the payment of such sums into the Cherokee treasury. The agreement of April 8, 1867, provides that,

"The Cherokees, parties of the first part, for and in consideration of certain payments, and the fulfillment of certain conditions hereinafter mentioned, agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 96 west longitude, in the aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon

aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon a certain register made February 18, 1867, by the Delaware agent, and on file in the office of Indian affairs, being the list of the Delawares who elect to remove to the 'Indian country' to which list may be added, only with the consent of the Delaware Council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto;

"and in case the Cherokee lands shall hereafter be allotted among the members of said Nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 160 acres for each individual) shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation;"

"On the fulfillment by the Delawares of the foregoing stipulations, all the members of the tribe, registered as above provided, shall become members of the Cherokee Nation, with the same rights and immunities, and the same participation (and no other) in the national funds, as Native Cherokees, save as hereinbefore provided."

It is the opinion of this Commission, that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rosanna S. Connor acquired under the Acts of the Cherokee National Council, above referred to, all the rights and privileges of Cherokee citizenship; that the children born to them subsequent to the date of their admission take the status of their parents, and that, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 20, 1906 (34 Stat., 496), the said Mary A. Tiblow, Rosanna S. Connor, Marie G. Connor, Oliver A. Connor, Fannie P. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Callman, Claud W. Callman, Robie A. Callman, Henrietta Callman, John A. Stephenson, Frances O. Brown, Daniel K. Brown, John J. Brown, Corn K. Brown and Effie L. Brown should be enrolled as citizens of the Cherokee Nation, with all the rights of Cherokees by blood, and it is, therefore, so ordered.

It is further ordered by the Commission that the application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, should be and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. E. Breakinridge
Commissioner.

Muskogee, Indian Territory,

May 16 1906.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
SEP 27 1919
ENCL. TO NO. 4219
SUPT. FIVE CIVILIZED TRIBES

1040p

WASHINGTON, September 22., 1919.

I, E. B. Meritt - - - Assistant, Commissioner
of Indian Affairs, do hereby certify that the paper..... hereto attached
is a - - - true copy..... of the original..... as the same
appear s..... on file - - - in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed on the day and year first
above written.



E. B. Meritt
Assistant Commissioner.

IN RE

Application for Enrollment of

INFANT CHILD

Henrietta Galtman

as a citizen of the

United States

Nation.

Approved *SEP 1 1900* (1900)

H. L. S.

Commissioner.

Rec'd 12

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Levi C. C. C. (Here insert name of child.) born on the 10 day of March, 1900
Name of Father: Jesse H. Gailman a citizen of the Cherokee Nation.
Name of Mother: Mary Ann Gailman a citizen of the Cherokee Nation.
Post-office Wichman, N.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I Mary Ann Gailman, on oath state that I am Thirty One
years of age and a citizen, by Blood, of the Cherokee Nation;
that I am the lawful wife of Jesse H. Gailman, who is a citizen, by
Adoption, of the Cherokee Nation; that a Female child was
born to me on the 10 day of March, 1900; that said child has been
named Levi C. C. C., and is now living.

WITNESSES TO MARK:

Mary Ann Gailman

Must be Two
Witnesses

Subscribed and sworn to before me this 15 day of September, 1900.

J. C. C. C.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I Mary Ann Barnhart, a Midwife, on oath state that I
attended on Mrs. Mary Ann Gailman, wife of Jesse H. Gailman
on the 10 day of March, 1900; that there was born to her on
said date a Female child; that said child is now living and is said to have been
named Levi C. C. C.

WITNESSES TO MARK:

Mary Ann Barnhart

Must be Two
Witnesses

Subscribed and sworn to before me this 15 day of Sept, 1900.

J. C. C. C.

NOTARY PUBLIC.

(COPY)

Refer in reply
to the following:
Land
1904-1905.
1905-1905.

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

March 23, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 10, 1905, transmitting the record relative to the application of Mary A. Tiblow, et al., for enrollment as citizens of the Cherokee Nation, of Delaware blood; also motion of Mary A. Tiblow, et al., to reopen said cause and modify the judgment of the Commission rendered in said case and render a judgment according to each of them, as citizens of the Cherokee Nation, all rights of registered Delawares, together with the Commission's decision of January 7, 1905, denying the motion.

There is also enclosed a communication from W. H. Kornegay Attorney for the applicants, transmitting brief on behalf of the applicants in this case and certain other applicants mentioned in his brief and in his communication.

The parties to this case are as follows: Mary A. Tiblow, Mary I. Stephenson, Rosanna S. Connor, Mamie G. Oliver A. Connor, Fannie F. Stephenson, Freddie and Walter Stephenson, Mary A. Salinas, Glad E., Rube A., and Henrietta Salinas, John H. Stephenson,

-3-

Rosa L. Stephenson, Mary A. Stephenson, Frances O. Brown, Daniel R., John J., Cora B., and Effie L. Brown, Certain other persons were also applicants as intermarried citizens, but as they are differently classed, they are not included in the Commission's decision. Mary A. Stephenson, child of John H., and Rosa L. Stephenson, was born since the date of the application. Rosa L. Stephenson is the daughter of a registered Delaware and as she and her child have a different status, their rights were separately considered by the Commission, and they are not included in its decision of May 16, 1904.

Mary Ann Tibloe (Tiblow) and others were admitted to citizenship in the Cherokee nation by act of the National Council approved November 30, 1875. The act is as follows:

"Be it enacted by the National Council that Mary Ann Tibloe, wife, and R.W.C. Tibloe, son, and Frances O. Brown, daughter, of Henry Tiblow, a Delaware Indian, and a citizen of the Cherokee Nation, be, and they are hereby admitted to citizenship in the Cherokee nation; Provided, that the said Mary Ann Tibloe and R.W.C. Tibloe and Frances O. Brown first pay into the Treasury of the Cherokee nation the sum of Two Hundred and Eighty-five dollars each."

It will be observed that the act provided that each applicant shall pay into the Treasury of the Cherokee Nation the sum of \$285 before any rights vest under the act. There is no record evidence of the payment of said sum into the Treasury of the Cherokee nation.

The Commission found that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Basanna S. Connor were, under the act above quoted, entitled to all the rights and privileges of Cherokee

citizenship; that children born to them subsequent to the date of their admission take the status of their parents, and that in accordance with the existing law, Mary A. Tiblew, Resanna B. Conner, Mamie G. Connor, Oliver A. Connor, Fannie F. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Gallman, Claud M. Gallman, Rubie A. Gallman, Henriette Gallman, John H. Stephenson, Frances O. Brown, Daniel R. Brown, John J. Brown, Cora B. Brown, and Effie L. Brown were entitled to enrollment, as citizens of the Cherokee Nation, with all the rights of Cherokees by blood. The application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, was dismissed.

On December 7, 1903, an affidavit was filed with the Commission which shows that Mary T. Stephenson died February 6, 1901. The affidavit is a part of the record in the case. The applicants admitted by the Council in 1875 claim that they are entitled to enrollment as citizens of the Cherokee Nation of Delaware blood, and that they are entitled to the same rights as registered Delawareans. That their contention and the contention of their Attorneys is erroneous, is too evident to admit of discussion. The Supreme Court of the United States in the case of Delaware Indians versus Cherokee Nation (U. S. Reports 193, page 127), briefly stated, held that the registered Delawareans living at the time of the decisions were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawareans was made, share equally with Cherokees in the remainder of the Cherokee landed estate. Furthermore the Comptroller of the Treasury in an opinion

-4-

of March 1, 1905, with reference to whether what are known as Kansas Indians, that is Delaware Indians admitted by the Cherokee Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867, are entitled to share in the \$150,000 appropriated for the Delawares by Act of April 21, 1904, (33 Stat., 222), said:

From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1866, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum.

In view of the holding of the Supreme Court, and considering the opinion of the Comptroller of the Treasury, just referred to, I am firmly convinced that the action of the Commission declaring the persons above named entitled to enrollment with all rights of native Cherokees, is correct, and its approval is recommended.

There are several other cases similar to the one now transmitted pending before this Office, and in transmitting said cases this report will be referred to.

Very respectfully,

(G.A.W.) P.

C. F. Larrabee
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

W. U. P.

LIE

D. C. 17894-1908
I. T. D. 3032-1908,
LIE.

March 31, 1908.

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

Gentlemen:

On January 10, 1908, you transmitted the record relative to the application of Mary A. Tiblew et al. for enrollment as citizens of the Cherokee Nation of Delaware blood; also a motion to reopen said case and modify the judgement of your Commission rendered May 16, 1904, so that said judgement may entitle the applicants to all the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

It appears that Mary A. Tiblew and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved November 30, 1878; that Mary T. Stephenson and Rosanna S. Connor, under the name of Rosanna Stephenson, were admitted to citizenship by an act of the Cherokee National Council approved December 5, 1878. Each of said acts provides that the applicant pay into the Cherokee Treasury the sum of \$200 each. You state in your decision that there is no record evidence of the payment of such sums into the Cherokee treasury.

It also appears that all of the adult applicants are identified on the Cherokee authenticated tribal roll of 1906, and all of the applicants excepting Walter and Henrietta Stephenson

are identified on the Cherokee census roll of 1896. Said Walter and Henrietta Stephenson are identified by birth affidavits.

May 16, 1904, you held that the applicants in this case are entitled to enrollment as citizens of the Cherokee Nation.

Subsequent to your decision a brief was filed on behalf of the applicants requesting that your Commission modify its decision so that said decision would entitle the applicants to the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

On January 7, 1905, you denied said request.

Transmitting your report March 23, 1905, the Acting Commissioner of Indian Affairs also transmitted a communication from the attorney for the applicants and brief filed by him on behalf of the applicants in this case and certain other applicants mentioned in said brief.

The Acting Commissioner invites the attention of the Department to the decision of the Supreme Court of the United States in the case of "Delaware Indians vs. Cherokee Nation," in which it was held that the registered Delawares living at the date of the decision were each entitled to 100 acres of land, and that their descendants born since the roll of registered Delawares was made share equally with the Cherokees in the remainder of the Cherokee landed estate. He also invites attention to the opinion of the Comptroller of the Treasury rendered March 1, 1905, relative to the right of Delaware Indians admitted by the Cherokee

Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867 to share in the \$150,000 appropriated for the Delawares by act of April 21, 1866 (35 Stat., 222), and quotes from said opinion the following:

"From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1866, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum."

The Acting Commissioner recommends that your decision be approved. A copy of his letter is inclosed.

Under the opinion of the Comptroller of the Treasury above cited, it is clear that the applicants are not entitled to the rights of registered Delawares. Your decision is therefore approved.

Respectfully,

(Signed, E. A. Hitchcock,
Secretary.

1 inclosure.

JCH

Tahlequah, I. T. May 27th 1904.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

You are hereby advised that the Cherokee Nation does not desire to file a protest against the decision of the Commission of date May 16th 1904 in the matter of the application of Mary A. Tiblow et al for enrollment as citizens of the Cherokee Nation of Delaware blood consolidating the applications of,

| | | |
|----------------------------|----------|------|
| Mary A. Tiblow ----- | Delaware | #81 |
| Mary T. Stephenson | Del. | #82 |
| Rosema S. Connor et al | Del. | #83 |
| Fannie V. Stephenson et al | Del. | #84 |
| Mary A. Callman et al | Del. | #85 |
| John H. Stephenson et al | Del. | #87 |
| Frances O. Brown et al | Del. | #80. |

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee
10400 & 10406

Muskogee, Indian Territory, June 7, 1904.

Mary A. Callman,

Catoosa, Indian Territory ✓

Dear Madam:

There is herewith inclosed a copy of the Commission's decision dated May 16, 1904, granting, among others, your application for the enrollment of yourself and your three minor children, Gladi M., Rubie A. and Henrietta Callman, and dismissing the application for the enrollment of your mother, Mary T. Stephenson, as citizens of the Cherokee Nation of Delaware blood.

Respectfully,

Encl. V-2

Register.

Chairman.

Cher 10407

Mary F. Beeson

Trans. from Delaware No. 13

(Old Series)

Cher 10407

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added to the...
Alfred G. ...

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ACTING

OF THE INTERIOR
THE FIVE CIVILIZED TRIBES

1880

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 21st, 1900.

IN THE MATTER OF THE APPLICATION OF Perry Harmon Beeson, wife and child for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, O. R. Breckinridge, testified as follows:

- Q What is your full name? A Perry Harmon Beeson.
Q What is your age? A Twenty five.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Who is it you want to have put on the rolls; yourself?
A Myself, wife and child.
Q One child? A Yes, sir.
Q Do you apply as a Cherokee by blood? A Yes, sir.
Q What proportion of Cherokee blood have you? A About one-sixteenth.
Q Is your wife a Cherokee? A Delaware.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q Have you lived here all your life? A I have not.
Q How long have you been here continuously? A I was born here, and lived here until I was three years old; my father's health was bad, and he went west, and returned here when I was nine or ten years old.
Q Have you been here ever since? A Yes, sir.
Q You are on the roll of 1880, are you? A No, sir; I was five years old, and out at that time.
Q You are on the roll of 1896, are you? A Yes, sir.
Q From what district? A Delaware.
Q Were you readmitted when you came back to the Cherokee Nation?
A They would not accept us because we were not on the 1880 rolls.
Q They would not accept you because you were not on the roll; what enrollment; the 1896 enrollment? A Yes, sir.
Q You have never been readmitted by special act of the Cherokee Commission or Council? A The Committee that questioned us was appointed by the Cherokee Council.
Q You have no certificate of admission? A No, sir; I have not.
Q What is the name of your father? A H. V. Beeson.
Q Cherokee or white man? A White man.
Q Dead or living? A Dead.
Q How long since he died? A He died in 1886.
Q He is not on the roll of 1880 either? A No, sir.
Q Give me your mother's name? A Mariah Beeson.
Q Cherokee or white woman? A Cherokee.
Q Is she dead or living? A Living.
Q She is not on the roll of 1880 either? A No, sir.
Q Give me the name of your wife? A Mary Frances Beeson.
Q What was her name when you married her? A Weaver.
Q Was that her maiden name? A Yes, sir.
Q She had never been married before? A No, sir.
Q Is she on the roll of 1880? A Yes, sir.
Q And on the roll of 1896? A Yes, sir.
Q Has she lived in the Cherokee Nation all her life? A She has.
Q Were you married to her in accordance with Cherokee law?
A According to the law then, I did not have to; I was counted a citizen then.
Q You just married her, as a Cherokee would marry her? A Yes, sir.
Q What is the name of her father? A John Weaver.
Q Cherokee or white man? A White man.
Q Dead or living? A Living.
Q Her mother's name? A Mary Weaver.
Q She is a Delaware, is she? A Yes, sir.
Q Is she dead or living? A Living.
Q Give me the name of your child? A John Edward Beeson.
Q How old is that child? A Four years old.
Q When were you married to your wife? A 1894.
(1880 roll, page 256, page, Mary F. Weaver, Delaware District)
(1896 roll, page 256, Mary A. Beeson, Delaware District)

(Applicant identified with her child, John E. Beeson.)
(1898 roll, page 448, #411, Perry E. Beeson, Delaware District.)
(1898 roll, page 288, #148, John E. Beeson, Coconawocoo D'ot)

The applicant applies for the enrollment of himself, his wife, and one child. He is identified on the roll of 1896, as a native Cherokee. He states that he was born in the Cherokee Nation, but that before the roll of 1880 was made, his father was compelled to move out of the Cherokee Nation, on account of his health, and by reason of the absence, he, the applicant, was not put on the roll of 1880. That he returned to the Cherokee Nation some fifteen years ago and has lived here ever since. The Cherokee representative present, contends that he should have been admitted by the National Council, or Commission, which the applicant states was never done, and therefore, the application he makes for his own enrollment at this time will be placed upon a doubtful card, for further consideration by the Commission. The Cherokee representative calls attention to Section two, article one, of the Cherokee Constitution.

The applicant's wife is identified on the rolls of 1880 and 1896, as a Delaware; she has lived in the Cherokee Nation all her life; she is identified with her husband and child on the roll of 1896, and she will be listed now for enrollment as a native Delaware; she was married to her husband in 1894.

Their child, John E. Beeson, is identified with his parents on the roll of 1896; he is living at this time, and will be listed now for enrollment as a native Delaware.

Q The child is living now, is he? A Yes, sir.

Q Where did you stay with your father during the time he was out of the Cherokee Nation? A In Wyoming.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 22nd day of September, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 15th day of November, 1901.

M. D. Green
Molony
Commissioner.

Dec 13 73.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1900

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 31 1900 1900.

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

1 ²³ Wife's name Mary F. Beeson Vinita D. N.

District DELAWARE Year 1880 Page 338 No. 2958

Citizen by blood Delaware Mother's citizenship Jas. Weaver - w. l.

Intermarried citizen M. Mary Del. - l.

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Names of Children: | Dist. | Year | Page | No. | Age |
|-----------------------|----------------------|-------------|------------|------------|----------|
| <u>John C. Beeson</u> | <u>COOWEESCOOWEE</u> | <u>1880</u> | <u>362</u> | <u>148</u> | <u>4</u> |
| _____ | Dist. | Year | Page | No. | Age |
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1 On 1880 Roll as Mary F. Weaver

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| 1. <i>Mamm. S. P. ...</i> | 22 | 50 | 96 | - | e |
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OK
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Perry H.

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Cher 10408

Louis Shawnee

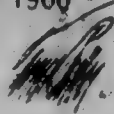
Trans. from Del. No. 14

(Old Series)

Cher 10408

Del 14 A

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1900

A handwritten signature in dark ink, appearing to be "H. C. Carter", written over the typed name.

H. C. CARTER

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 22st, 1900.

IN THE MATTER OF THE APPLICATION OF Louis Shawnee and brother for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Louis Shawnee.
Q What is your age? A I am thirty one.
Q What is your Postoffice? A Catalee.
Q What district do you live in? A Cooweescoowee.
Q Are you a Cherokee Indian by blood? A I am a Delaware.
Q What degree of blood have you; are you a full blood? A Yes sir.
Q You just want to enroll yourself? A Me and my brother.
Q How old is your brother? A Seventeen.
Q What is his name? A Thomas Rogers, my step father is named Rogers too.
Q Is Thomas Rogers a Shawnee? A He is a Delaware.
Q Are your father and mother living? A No sir; both died.
Q Did your father die before 1890? A He died about 1870.
Q Did you draw any strip money in 1894? A Yes sir.
(1896 Roll, Page 382, #586, Thomas Rogers, Cooweescoowee D'st)
Q Who was Thomas Rogers' mother? A Sallie Rogers.
(1896 Roll, Page 585, #645, Louis Shawnee, Cooweescoowee D'st)
Q Is Sallie Rogers living? A No sir; she is dead.
Q Was she living in 1890? A Yes sir.
Q Thomas Rogers is a son of Sallie Rogers, is he? A Yes sir.
Q And she is now dead? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Where were you born? A Here in the Cherokee Nation.
Q Was father's name was? A Big Shawnee.
Q And your mother's name? A Sallie Shawnee.
Q Your father died, and your mother married Ely Rogers? A Yes sir.
Q Is your mother living now? A No sir.
Q How old is your mother? A About forty years old.
Q Was your mother a Delaware? A Yes sir.
Q Was Ely Rogers a Delaware or Shawnee? A He was a Shawnee.
Q Have you ever lived outside of the Cherokee Nation? A No sir.
Q You have always lived here? A Yes sir.
Q Did you ever take an allotment any where else, since you have been here? A No sir.
Q Has your citizenship here ever been questioned? A No sir.
Q You have been on all of the Delaware Pay Rolls? A Yes sir; I never have missed any payment.

By the Commission:

(1890 Roll, Page 159, #2265, Sarah Rogers, Cooweescoowee D'st)

By Mr. W. W. Hastings, Cherokee Representative:

- Q Is your mother dead now? A Yes sir.
Q Is Ely Rogers dead? A Yes sir.

By the Commission:

The name of Louis Shawnee appears upon the census roll of 1896, and the name of his step brother, Thomas Rogers, for whom he applies, also appears upon the census roll of 1896, both as Delaware Indians. It is averred that the said Sarah Rogers is the mother of both; and her name appears upon the authenticated roll of 1890, as per page and number, as indicated in the testimony. The name of Louis Shawnee can not be found on the authenticated roll of 1890. Satisfactory proof has been made that he is a Delaware Indian; and the said Louis Shawnee, and his step brother, Thomas Rogers will be duly listed for enrollment by this Commission as Cherokee citizens of Delaware blood.

The undersigned, being sworn, states that as stenographer to the
Commissioner to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings in this case, and that the foregoing is a
true and full transcript of his stenographic notes thereof.

Edmund

Subscribed and sworn to before me
this 28th day of September, 1900.

Edmund

COMMISSIONER.

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CHEROKEES BY BLOOD AND ADOPTION.

SEP 21 1900

Date Patalee 1900.

(31)

Name Lewis Shawnee

District COOWEESCOOWEE.

Year 1880 Page 385 No. 643

Citizen by blood Y B Mother's citizenship Shawnee

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year Page No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Thomas Rogers

Dist. COOWEESCOOWEE. Year 1896 Page 382 No. 556 Age 17

Dist. Year Page No. Age

Dist. Year Page No. Age

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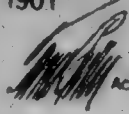
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 20 1901


ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 21st, 1900.

In the matter of the application of Frances Shawnee, husband and children for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified through interpreter, Joe Sequichie, as follows:

- Q What is your name? A Frances Shawnee.
Q How old are you? A About thirty four.
Q Is your husband living? A Yes, sir.
Q Where is he? A Out here somewhere.
Q What district do you live in? A Cooweescoowee.
Q Are you a Shawnee or Cherokee? A Shawnee; my old man is a Delaware.

Applicant's husband, Louis Shawnee, being called and sworn, testified as follows:

- Q What is your name? A Louis Shawnee.

Applicant recalled:

- Q How old are you Mrs. Shawnee? A Thirty five.
Q What is your postoffice? A Catalee.
Q Are you a Cherokee? A No, sir; Shawnee.
Q Full blood? A Yes, sir.
Q What are the names of your children? A William Shawnee.
Q How old is he? A He is past five.
Q What is the name of the next child? A Ida Shawnee.
Q How old is Ida? A Three years old.
Q Is that all? A I have one more.
Q What is its name? A Ada Shawnee.
Q How old is Ada? A Born last March.
Q These children are all living and living with you, are they?
A Yes, sir.
Q What was your name before you married? A Rogers; my father's name was Samuel Rogers.
Q Your name was Frances Rogers? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Was your mother's name Lizzie? A Yes, sir.
Q Did you have a brother named Charley? A Yes, sir.
(1880 roll, page 159, #2269, Frank Rogers, Cooweescoowee D'st.)
(1896 roll, page 350, #341, Francis Shawnee, Cooweescoowee D'st.)
(1896 roll, page 350, #342, William Shawnee, Cooweescoowee)

The name of Frances Shawnee appears upon the authenticated roll of 1880 as Frank Rogers, and upon the census roll of 1896, as Frances Shawnee; the name of her child, William Shawnee appears upon the census roll of 1896. The names of her children, Ida and Ada do not appear upon the census roll of 1896, they having been born since said rolls were compiled. They will be enrolled when proper certificates of birth are supplied.

Consequently, the said Frances Shawnee and her children, William, Ida and Ada will be duly listed for enrollment as Cherokee citizens of Shawnee blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Gravens.

Subscribed and sworn to before me this 21st day of September, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of November, 1902.

M. D. [unclear]
M. C. [unclear]
Commissioner

RECORDED
NOV 20 1902
U.S. DEPT. OF THE INTERIOR

NOV 20 1902

RECORDED
NOV 20 1902
U.S. DEPT. OF THE INTERIOR

Feb 14

IN RE
THE DEATH OF

Thomas Lopez

and one of the

Trustees

of the
Nation.

Approved *March 25* 1902

Wm. H. ...
Commissioner.

COMM

1902

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

In the matter of the death of Thomas Rogers,
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near
White Oak, Ind. Ter., and died on the 28th day of
(Here insert name of post office)
October, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Lewis Shawnee, on oath state that I am 32
years of age and a citizen, by Treaty, of the Cherokee Nation;
that my post office address is Catale, Ind. Ter.; that I am
(Here insert name of post office)
step-brother of Thomas Rogers,
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by treaty, of the Cherokee Nation;
and that said Thomas Rogers died on the 28th day of
(Here insert name of deceased.)
October, 1902.

Lewis Shawnee

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 22nd day of November, 1902.

My Exp 4-22-1903

Geo. E. McCulloch
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, J. E. Inman, on oath state that I am 26
years of age, and a citizen, by of the, of the United States Nation;
that my post office address is White Oak, Ind. Ter.;
(Here insert name of post office)
that I was personally acquainted with Thomas Rogers,
(Here insert name of deceased.)
who was a citizen, by Treaty, of the Cherokee Nation;
and that said Thomas Rogers died on the 28th day of
(Here insert name of deceased.)
October, 1902.

J. E. Inman

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 22nd day of NOVEMBER, 1902.

Geo. E. McCulloch
Notary Public.

CMS-18408
R-0093412

Entered Feb 1, 1905

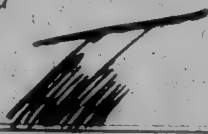
IN RE
THE DEATH OF

Thomas Rogers
citizen of the
Cherokee

Nation.

Approved

190



Commissioner.

FILED
FEB 1 - 1905
COMMISSION TO FIVE TRIBES

DEC 19 1904

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

In the matter of the death of Thomas Rogers.
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Asabee Ind. Ter., and died on the 28 day of
October 1904
(Here insert name of postoffice)

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. } Vinita Ind Ter
I, Lewis Shawnee, on oath state that I am 35
years of age and a citizen, by Delaware Blood, of the Cherokee Nation;
that my postoffice address is White Oak Ind Ter, Ind. Ter.; that I am
Half Brother of Thomas Rogers
(Here insert name of deceased.)
who was a citizen, by Delaware Blood, of the Cherokee Nation;
and that said Thomas Rogers died on the 28 day of
October 1902
(Here insert name of deceased.)
Lewis Shawnee

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20th day of January 1905
Harry R. Warner
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }
I, Thomas Dougherty, on oath state that I am 56
years of age, and a citizen by Shawnee Blood of the Cherokee Nation;
that my postoffice address is Vinita, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with Thomas Rogers
(Here insert name of deceased.)
who was a citizen, by Delaware Blood, of the Cherokee Nation;
and that said Thomas Rogers died on the 28 day of
October 1902
(Here insert name of deceased.)
Thomas Dougherty

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16th day of December 1904
Harry R. Warner
Notary Public.

Lewis Shawnee

~~Thomas Rogers~~ who is a son of Sallie Shawnee who afterwards married Eli Rogers states that Thomas Rogers deceased was his half brother being a son of Eli Rogers, and Sallie Rogers was his mother, and that the said Thomas Rogers was enrolled at Vinita, Indian Territory and further states that Eli Rogers and Sallie Rogers lived at Coody's Bluff, Indian Territory and that the deceased, Thomas Rogers lived in that locality. Eli Rogers father of Thomas Rogers deceased married Annie Squirrel after the death of his ~~daughter~~ wife Sallie Rogers and the said Annie Squirrel Rogers still lives at or near Estella, Indian Territory and has one child who is the daughter of said Eli Rogers and said child is named Rebecca Rogers.

Subscribed to this the 20th day of January 1905.

Lewis Shawnee

Sworn to before me this the 20th day of January 1905.

Harry P. Warner
Notary Public.

My Commission Expires January 21st, 1906.

Delaware 14

Muskogee, Indian Territory, November 10, 1906.

Louis Shawnee,

Catale, Indian Territory.

Dear Sir:-

The Commission is informed that your brother, Thomas Rogers, heretofore an applicant for enrollment by this Commission as a Delaware citizen of the Cherokee Nation, has died since the date of his application for enrollment.

There is enclosed you herewith blank form of affidavit and if this information is correct, you are requested to have same properly executed and forward to the Commission at the earliest possible date, in order that the death of your brother may be shown upon the Commission's records.

Respectfully,

Commissioner in Charge.

Enc. 1 B.C.

13 James Shawnee

Catalogue

211710

- 1. Louis Shawnee 31 - '96 - C
- 2. Thomas Rogers 17 - '96 - C
- 3. ...
- 4. ...

OK

Carroll

Cher 10409

Katie Secondine

Trans. from Del. # 15

(Old Series)

Cher 10409

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 22, 1900.

In the matter of the application of Thomas Secondine for the enrollment of himself and one child as Delawares, and his wife and one child as Cherokees of Shawnee blood; being sworn and examined by Commissioner Needles, through John Secondine, duly sworn as interpreter, he testified as follows:

- Q What is your name? A Thomas Secondine.
Q How old are you? A 63.
Q What is your post office address? A White Oaks.
Q What district do you live in? A Cooweescoowee.
Q Are you a full blood Delaware? A No, sir, I am a Mexican by blood.
Q By what right do you claim citizenship? A I claim citizenship by coming with the Delawares.
Q Did the Delawares adopt you? A Yes, sir, I was adopted.
Q Who do you apply for? A For myself and family.
Q Wife and children? A Yes, sir.
Q What is the name of your wife? A Malinda Secondine.
Q What is your wife, what nationality? A Shawnee.
Q What was her name before you married her? A She is the widow of John Blackfeather.
Q When did you marry her? A About 9 years ago.
Q What was your wife's father's name? A She was a Harvey, that was her father's name.
Q Her mother's name was Harvey too I suppose? A Yes, sir.
Q How old is your wife? A 36.
Q What are the names of your children? A Jacob Secondine, 24 years old; Katie, 18 years old; Harrison 8 years old.
Q Jacob will have to appear for himself. Have you been married twice? A Yes, sir.
Q What was Katie's mother named? A Jane.
Q She living? A She is dead.
Q What was her name before you married her? A She was a Hill.
Q What was she, Cherokee or what? A She was a Delaware.
Q Now Harrison is the son of your present wife, Malinda? A Yes, sir.
Q Are these children, Katie and Harrison, living with you and alive? A Yes, sir.
Q How long have you lived in this Cherokee Nation? A I have been here ever since the Delawares moved here.

Mr. V.W. Hastings, representative of Cherokee Nation: What was the name of your present wife in 1880? A I can't say.

(Thomas Secondine on 1880 roll, page 174, No. 2622, Tom Secondine, Cooweescoowee district. Malinda Secondine on 1880 roll, page 117, No. 1422, Malinda Harvey, Cooweescoowee district. Thomas Secondine on 1896 roll, page 385, No. 630, Cooweescoowee district. Malinda Secondine on 1896 roll, page 350, No. 344, Cooweescoowee district. Katie Secondine on 1896 roll, page 385, No. 633, Cooweescoowee district. Harrison Secondine on 1896 roll, page 352, No. 346, Cooweescoowee dist.)

The name of Thomas Secondine appears upon the authenticated roll of 1880 as a Delaware, and his name also appears upon the census roll of 1896. The name of his wife, Malinda, appears upon the authenticated roll of 1880 as Malinda Harvey, a Shawnee. The name of his oldest child, Katie, appears upon the census roll of 1896, she being the daughter of one Jane Secondine, whose name appears upon the authenticated roll of 1880 as a Delaware. His child, Harrison's name appears upon the roll of 1896 as the son of his present wife, Malinda, a Shawnee. They all being having made satisfactory proof as to their residence, and being fully identified upon the rolls as indicated in the testimony, they will be duly listed for enrollment, he, the said Thomas Secondine, and his daughter, Katie, as Delawares


Thomas Secordine - 2.

indians, and his wife, Malinda, and his child Harrison by her, as Cherokee Indians of Shawnee blood.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.



Sworn to and subscribed before me this the 22nd of September, 1900.


Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date Sept. 22 1900.

Name Anna Scordine Whitcomb D.C.

District Courthouse Year 1880 Page 174 No. 2022

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen Yes - Catholic Mexican

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| | | | | | |
|----------------------|-------------------------|------------------|-----------------|----------------|---------------|
| <u>Anna Scordine</u> | Dist. <u>Courthouse</u> | Year <u>1896</u> | Page <u>285</u> | No. <u>230</u> | Age <u>18</u> |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
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| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| _____ | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |

W. 1 Oct 1880, File as Tom Scordine

Cher 10410

John B. Marker

Trans. from Del. # 16

(Old Series)

Cher 10410

A 0116

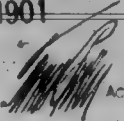
original proceedings.
Loregorin's copy, and that the same is a true and complete copy of the
report to the Commission to the five civilized tribes he made the
Virgin O. Ordinance, being duly sworn, states that as agent-

subscribed and sworn to before me this 12th day of November, 1901.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 20 1901



ACTING CHAIRMAN

COMMISSIONER.

Delaware.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 22, 1900.

In the matter of the application of John B. Marker for enrollment of himself, wife and three children, as citizens of the Cherokee Nation, said Marker being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A John B. Marker.
Q How old are you? A 38.
Q What is your postoffice? A Vinita.
Q Whom do you want to have put on the roll? A Myself, wife and three children.
Q Do you apply for yourself as a Cherokee by blood? A I am a Delaware.
Q Is your wife a Delaware? A No, sir, white woman.
Q How long have you lived in the Cherokee Nation? A All my life, born and raised here.
Q How long have you lived in Delaware District? A All my life.
Q What is the name of your father? A John D.
Q Was he a Delaware? A No, sir, white man.
Q Dead or alive? A Alive.
Q What is your mother's name? A Mary J.
Q Was she a Delaware? A Yes.
Q Dead or alive? A Alive.
Q Give me your wife's name? A Bertha May.
Q How old is she? A 24.
Q When did you marry her? A '82 I think.
Q What was her maiden name? A Nolan.

The applicant presents marriage certificate showing that he was married to his wife as stated by him on November 16, 1892, or what he calls, 1892. It is filed herewith.

- Q Has your wife lived with you ever since your marriage in '92? A Yes.
Q What is the name of your wife's father? A Andrew.
Q Dead or alive? A Alive.
Q What is the name of her mother? A Dorcas.
Q Dead or alive? A Dead.
Q Give me the names of your three children? A Clayton L., 6 years;
On '96 roll, page 623, number 63.
Q Next? A Gracie L., 3 years old.
Q Next? A Annie L., 7 months old.
Q These children are alive and living with you now? A Yes.

Applicant on '80 roll, page 291, number 1824, as John B. Marker, Jr.

On '96 roll, page 223, number 62.

Applicant's wife on '96 roll, page 581, number 341, as Bertha B. Marker.

The applicant applies for the enrollment of himself, his wife, and three children. He is identified on the rolls of '80 and '96 as a native Delaware. He has lived in the Cherokee Nation all his life and will be listed now for enrollment as a native Delaware. His wife is identified with him on the roll of '96. She is a white woman and is shown by the marriage license and certificate filed herewith to have been married to him in '92. They have lived together ever since their marriage and she will be listed for enrollment as a Cherokee by adoption. Their child, Clayton L., is identified with his parents on the roll of '96. He is living at this time and he will be listed for enrollment as a Cherokee by blood. When the Commission is supplied with certificates of births of the two younger children, Gracie L., and Annie L., they also will be listed for enrollment as native Delawares.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) B. McDonald.

Subscribed and sworn to before me this 24th day of September, 1900.

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

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

John A. ...
Commissioner.

73

COMMISSION TO THE PEOPLE
F. I. B. S.
REP. 1900-1900

9.016

DELAWARE,

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 22 1900 1900.

28 Name John B. Marker, Sinita, Jr.

District DELAWARE. Year 1880 Page 291 No. 1824

Citizen by blood Seawall Mother's citizenship John B. Marker w-l

Intermarried citizen No. Mary J. " w-l

Married under what law Date of marriage

License Certificate

* Wife's name

District Year Page No.

Citizen by blood No. Mother's citizenship

Intermarried citizen No.

Married under what law Date of marriage

License Certificate

Names of Children:

| Name | District | Year | Page | No. | Age |
|---------------------|-----------|------|------|-----|-----|
| 3 Clayton L. Marker | DELAWARE. | 1896 | 023 | 63 | 6 |
| 4 Pracie L. " | DELAWARE. | | | | 7 |
| 5 Annie L. " | DELAWARE. | | | | 6 |
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1 Cert. of Res. as John B. Marker Jr.
4 and 5 Affidavits to be inserted

X16

Dec 16 1900

IN RE

Application for Enrollment of

INFANT CHILD

Amie Lois Martin

is a citizen of the

Cherokee Nation.

Approved **SEP 22 1900**
[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 22 1900

[Signature]

Dec 16 1900

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Anna Lois Marden, born on the 24th day of Feb., 1900. Name of Father: J. B. Marden, a citizen of the Cherokee Nation. Name of Mother: Bertha May Marden, a citizen of the Cherokee Nation. Post-office: Vinita, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Bertha May Marden, on oath state that I am 24 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of J. B. Marden, who is a citizen, by blood, of the Cherokee Nation; that a female child was born to me on the 24th day of Feb., 1900; that said child has been named Anna Lois Marden, and is now living.

WITNESSES TO MAKE:

Bertha May Marden

(Must be Two Witnesses.)

Subscribed and sworn to before me this 27th day of Aug., 1900.

John C. Bullen

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Gene Marden, a midwife, on oath state that I attended on Mrs. Bertha May Marden wife of J. B. Marden, on the 24th day of Feb., 1900; that there was born to her on said date a female child; that said child is now living and is said to have been named Anna Lois Marden.

WITNESSES TO MAKE:

Gene Marden

(Must be Two Witnesses.)

Subscribed and sworn to before me this 27th day of Aug., 1900.

John C. Bullen

NOTARY PUBLIC.

Del 16

IN RE

Application for Enrollment of

INFANT CHILD

Grace Lee Markin

as a citizen of the

Cherokee Nation.

Approved SEP 22 1900

[Signature]
Commissioner

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 22 1900

[Signature]

Del 16

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Gracie Lee Marker, born on the 7 day of Sept, 1897
(Here insert name of child)
Name of Father: John B. Marker, a citizen of the Cherokee Nation.
Name of Mother: Bertha May, a citizen of the Cherokee Nation.
Post-office Viola, Ia

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Worthen District.

I, Bertha May Marker, on oath state that I am 24
years of age and a citizen, by Adoption, of the Cherokee Nation;
that I am the lawful wife of John B. Marker, who is a citizen, by
Blood of the Cherokee Nation; that a Female child was
(male or female)
born to me on the 7th day of September 1897; that said child has been
named Gracie Lee Marker, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 18 day of Aug, 1900.

John E. Butler

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Worthen District.

I, Jane Marker, a midwife, on oath state that I
attended on Mrs. Bertha May Marker wife of John B. Marker,
on the 7th day of Sept, 1897; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Gracie Lee Marker

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 18 day of Sept, 1900

John E. Butler

NOTARY PUBLIC.

Cher: 10411

Louisa L. Chandler

Trans. from Det. #17

(Old Series)

Cher 10411

Q 0.1.7

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILE NO.

NOV 23 1901

[Handwritten signature]

SIG. CHAIRMAN

RECEIVED NOV 23 1901

PRINTED

U.S. GOVERNMENT
PRINTING OFFICE
WASHINGTON, D. C.

wife, Rosa, is a Delaware.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 22, 1900.

In the matter of the application of John A. Chandler for the enrollment of himself, wife and six children as Cherokee citizens of DELAWARE blood; being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A John A. Chandler.
Q What is your age? A Fifty years old.
Q What is your postoffice address? A Vinita.
Q What is your district? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A By adoption.
Q For whom do you apply for enrollment? A Myself, my wife and six children.
Q What is the name of your wife? A Rosa E. Chandler.
Q What was her name before you married her? A Lunday.
Q When did you marry her? A 1883.
Q Have you got a certificate of marriage? A Yes, sir, (Produces papers.)

Com'r Needles: The applicant produces marriage license issued by the Cherokee National authorities and certificate of marriage in due form, certifying that he was married on the first day of January, 1883, to one Rosa Lunday a Cherokee citizen by blood.

Examined by Cherokee Rep'v'e W.W. Hastings:

- Q She is a Delaware? A Yes, sir.
Q What is the name of your wife's father? A Robert Lunday.
Q Is he living? A Yes, sir.

Com'r Needles:

- Q What is the name of her mother? A Louisa Lunday.
Q Is she living? A No, sir, she is dead.
Q Give me the names of your children? A Louisa L. Chandler, fifteen years old; Annie J. Chandler, thirteen years old; Robert E. Chandler, eleven years old; Mary E. Chandler, eight years old; James A. Chandler, five years old; Berges G. Chandler, two years old.

Com'r Needles: Applicant presents satisfactory proof of the birth as to Berges G. whose name is not upon the census roll of 1890.

- Q Are these children all alive and living with you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have been here about twenty years.
Q Continuously? A Yes, sir.
Q And your wife has been living here also? A Yes, sir.

1896 roll page 298 #78 John A. Chandler, Cooweescoowee.
1880 roll page 279 1517 Rosa E. Lundy, Delaware Dist.
1896 roll page 363 #178 Rosa E. Chandler, Cooweescoowee.
1896 roll page 363 #174 Louisa L. Chandler, "
1896 roll page 363 #175 Annie J. Chandler, "
1896 roll page 363 #176 Robert E. Chandler, "
1896 roll page 363 #177 Mary E. Chandler, "
1896 roll page 363 #178 James A. Chandler, "

Com'r Needles: The applicant, John A. Chandler, appears upon the census roll of 1890, and he presents satisfactory proof of marriage to one Rosa E. Lunday, a Cherokee citizen by Delaware blood, in the year 1883, and the name of the said Rosa E. Lunday appears upon the authenticated roll of 1880, her name also appears upon the census roll of 1896 as Rosa E. Chandler; the names of their children, Louisa L., Annie J., Robert E., Mary E., James A., appear upon the census roll of 1896 and he presents satisfactory proof as to the birth of said child Berges G., his youngest child; having made satisfactory proof as to residence, and being duly identified upon the rolls, the said Rosa E. Chandler and her said children as

enumerated in the testimony will be duly listed for enrollment by this Commission as Cherokee citizens by Salgware blood; and the said John A. Chandler, will be duly listed for enrollment by this Commission as a Cherokee citizen by intermarriage.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this 24th day of September, 1906.

(Signed) T. B. Hodges,

Commissioner.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur C. Croninger

Subscribed and sworn to before me this 15th day of November, 1906.

M. D. Green
Natany Bush
Commissioner.

7c -

COMMISSION TO THE PRESIDENT

RECEIVED
SEP 12 1900

July 11

CHEROKEES BY BLOOD AND ADOPTION.

Date Sept 22 1900 1900.

Name Vesta J.F.

District 1 Year 1880 Page 279 No. 147

Citizen by blood Delaware Mother's citizenship Delaware

Intermarried citizen No

Married under what law Delaware Date of marriage 1880

License Rose E. Chandler nee Lunday Certificate 1880

1 Wife's name Rose E. Chandler nee Lunday

District DELAWARE. COOWEESCOOWEE. DELAWARE. Year 1880 Page 279 No. 147

Citizen by blood yes Mother's citizenship Delaware

Intermarried citizen No

Married under what law Delaware Date of marriage 1880

License Rose E. Chandler nee Lunday Certificate 1880

Names of Children:

| License | Names of Children: | Dist. | Year | Page | No. | Age |
|---------|--------------------|----------------|------|------|-----|-----|
| 2 | Louisa L. Chandler | COOWEESCOOWEE. | 1896 | 363 | 174 | 15 |
| 3 | Annie J. | COOWEESCOOWEE. | 1896 | 363 | 175 | 13 |
| 4 | Robert E. | COOWEESCOOWEE. | " | 363 | 176 | 11 |
| 5 | Mary E. | COOWEESCOOWEE. | " | 363 | 177 | 8 |
| 6 | Jando W. | COOWEESCOOWEE. | " | 363 | 178 | 5 |
| 7 | Bergus J. | COOWEESCOOWEE. | " | | | 5 |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

1 on 1880 name as Rosa E. Lunday

7 affidavit supplied

117

Dec 17 1901

IN RE

Application for Enrollment of

INFANT CHILD

Bergis Saicher Chandlen

as a citizen of the

Cherokee Nation.

Approved **SEP 22 1900** 1901

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 22 1900

[Signature]

Dec 17 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Berger Guith Chandler born on the 9 day of July, 1898. Name of Father: John A. Chandler a citizen of the Cherokee Nation. Name of Mother: Rosie E. Chandler citizen of the Cherokee Nation. Post-office Visiton I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District.

I, Rosie E. Chandler, on oath state that I am 35 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of John A. Chandler, who is a citizen, by adoption of the Cherokee Nation; that a male child was born to me on the 9 day of July, 1898, that said child has been named Berger Guith Chandler, and is now living.

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20 day of Sept., 1900.

Jno. E. Butler
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District.

I, B. J. Fortner, a Physician, on oath state that I attended on Mrs. Rosie E. Chandler, wife of John A. Chandler, on the 9th day of July, 1898, that there was born to her on said date a male child; that said child is now living and is said to have been named Berger Guith Chandler.

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 day of Sept., 1900.

Jno. E. Butler
NOTARY PUBLIC.

Del 17

18

JH

Delaware #17.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 15, 1903.

In the matter of the application of ROSA E. CHANDLER, for the enrollment of herself and children, Louise L., Annie J., Robert E., Mary E., James A. and Berge S. Chandler, as Delaware citizens of the Cherokee Nation.

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Rosa E. Chandler, as Rosa E. Lundy, No. 372.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

Commissioner

RP

2217

10411

IN RE
THE DEATH OF

Burges & Chandler
a citizen of the

Cherokee Nation.

Approved *May 12* 1904

W. R. Buchanan
Commissioner

COMMISSIONER OF THE GENERAL LAND OFFICE

FILED
MAY 12 1904

[Handwritten signature]
CHIEF CLERK

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Burgess G. Chandler
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near
Vinita, Ind. Ter., and died on the 1st day of
September, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Rosa E. Chandler, on oath state that I am 39
years of age and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Vinita, Ind. Ter.; that I am
the mother of Burgess G. Chandler,
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Burgess G. Chandler died on the 1st day of
Sept., 1902.

WITNESSED TO MAKE:

(Must be Two Witnesses)

Subscribed and sworn to before me this 12 day of May, 1904.
Samuel Forman
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, John A. Chandler, on oath state that I am 55
years of age, and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Vinita, Ind. Ter.;
that I was personally acquainted with Burgess G. Chandler,
(Here insert name of deceased)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Burgess G. Chandler died on the 1st day of
Sept., 1902.

WITNESSED TO MAKE:

(Must be Two Witnesses)

Subscribed and sworn to before me this 12 day of May, 1904.
Samuel Forman
Notary Public.

Cherokee 10411

ISN

Allot. 30940

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tallequah, I.T., October 14, 1905.

In the matter of the application for the enrollment of
Louisa L., Annie J., Robert E., Mary E., James A., and Burges G.
Chandler as citizens by blood of the Cherokee Nation.

John A. Chandler, being first duly sworn by Simon Walkings-
stick, a notary public, and examined on behalf of the Commissioner,
testified as follows:

- Q What is your name? John A. Chandler.
Q What is your age? A Fifty-five.
Q What is your postoffice address? A Vinita.
Q Are you a citizen of the Cherokee Nation? A I am an intermar-
ried citizen.
Q You had a daughter by the name of Louisa L. Chandler? A Yes sir.
Q Did she marry after she was enrolled? A Yes sir.
Q Whom did she marry? A Thomas Fisher.
Q Is he a citizen of the Cherokee Nation? A No sir, he's a white
man. they
Q When were you married? A In August 1903.
Q Do you know the exact date? A No sir I don't remember the exact
date.
Q Is your daughter living at the present time?
A No sir, she died about the third day of June, 1904.
Q Has an administrator been appointed for her estate?
A No sir.
Q Is it the intention of yourself or her husband to have an admin-
istrator appointed? A No sir.
Q Have you any land on which to complete her allotment? A Yes sir,
I have found some.
Q Where is this land? A It lies in Township 22, Range 22.
Q Have you seen this land? A I couldn't swear that I've seen it
but I've been over all those hills. I understand that its public
domain.

Ira S. Niles, being duly sworn, states that as stenogra-
pher to the Commissioner to the Five Civilized Tribes, he correctly
recorded the testimony in this case and that the above and foregoing
is a true and correct copy of his stenographic notes.

Subscribed and sworn to before me this
14th day of October, 1905.

ISN

Ira S. Niles

Simon Walkingsstick
Notary Public.

Case 10411

32

IN RE
THE DEATH OF

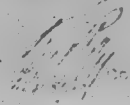
Louisa L. Fisher, Enrolled as
a citizen of the ^{Louisa P. Clark}

Cherokee Nation.

Approved October 17 1905


Commissioner.

COMMISSIONER TO THE VETERANS
FILED
OCT 17 1905



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

In the matter of the death of Louisa L. Fisher (successor of Louisa B. Clendenen)
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Vieta Ind. Ter., and died on the 29 day of
June, 1904
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Western DISTRICT. }
 I, John A. Chandler, on oath state that I am 55
 years of age and a citizen, by interracial of the Cherokee Nation;
 that my postoffice address is Vieta, Ind. Ter.; that I am
Partner of Louisa L. Fisher (successor of Louisa B. Clendenen)
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by David of the Cherokee Nation
 and that said Louisa L. Fisher (successor of Louisa B. Clendenen) died on the 29 day of
June, 1904
 WITNESSES TO MARK: John A. Chandler

(Must Be Two Witnesses)

Subscribed and sworn to before me this 14 day of October, 1904
Simon R. Walkup
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
 DISTRICT. }
 I, _____, on oath state that I am _____
 years of age, and a citizen by _____ of the _____ Nation;
 that my postoffice address is _____, Ind. Ter.;
(Here insert name of postoffice.)
 that I was personally acquainted with _____
(Here insert name of deceased.)
 who was a citizen, by _____ of the _____ Nation;
 and that said _____ died on the _____ day of _____
(Here insert name of deceased.)

(Must Be Two Witnesses)

Subscribed and sworn to before me this _____ day of _____, 1904

 Notary Public.

Cher 10412

Josephine Rogers

Trans. from Del. #18

(Old Series)

CHER 10412

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., SEPT., 24, 1900.

In the matter of the application of James F. Rogers for enrollment of himself, wife and two children, as citizens of the Cherokee Nation, said Rogers being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A James F. Rogers.
Q Your age? A 31.
Q What is your postoffice address? A Vinita.
Q What is your district? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A Yes.
Q What degree of blood? A About one-eighth.
Q For whom do you apply for enrollment? A Myself, wife and two children.
Q What is the name of your father? A Louis.
Q Is he living? A No sir.
Q What is your mother's name? A Rebecca J.
Q Is she living? A No sir.
Q What is the name of your wife? A Josephine.
Q Is she a Cherokee? A No sir, Delaware.
Q What was her name before you married her? A Marker.
Q What is her age? A 23.
Q When did you marry her? A 3 years ago.

Applicant presents a certificate of marriage issued by the Clerk of the United States Court for the Indian Territory certifying that he was married to one Miss Josie Marker on the 4th day of January, 1898.

- Q What are the names of your children? A James F. 2 years old.
Q Next? A Nellie B.
Applicant on '80 roll, page 159, number 2276 as James.
Applicant on '96 roll, page 522, number 2561.
Applicant's wife on '80 roll, page 623, number 66.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Your wife also? A Yes.

Applicant presents satisfactory proof of birth as to his two children.

The name of James F. Rogers is found upon the authenticated roll of '80 as a Native Cherokee. His name is also found upon the census roll of '96. The name of his wife, Josephine Marker appears upon the authenticated roll of '80 as a Delaware Indian. Her name also appears upon the census roll of '96. Satisfactory proof of marriage is made between said applicant and his wife, Josephine. He also presents satisfactory proof of birth as to his two children, James F. and Nellie B. They all being duly identified upon the rolls and having made satisfactory proof as to residence, said James F. Rogers will be duly listed for enrollment by this Commission as a Cherokee citizen by blood, and his wife, Josephine Marker and his two children, as enumerated herein, as Cherokee citizens of Delaware blood.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of September, 1900.



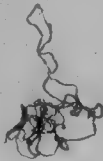
Commissioner

Jul 18 70

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

[Handwritten Signature]
ACTING CHAIRMAN



CHEROKEES BLOOD AND ADOPTION.

SEP 24 1900

1900

Date White 54

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's Name Josephine Rogers

District DELAWARE Year 1880 Page 271 No. 1898

Citizen by blood yes Delaware

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Names of Children: | Dist. | Year | Page | No. | Age |
|-----------------------|-------|------|------|-----|----------|
| <u>James S Rogers</u> | | | | | <u>2</u> |
| <u>2 Nellie B</u> | | | | | |
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1st 1880 called Josephine Marked
2 and 3 applicants supplied

1 wife of James S Rogers Del 18

304/18

IN RE

Application for Enrollment of

INFANT CHILD

Nellie Beal Rogers

as a citizen of the

Cherokee

Nation.

Approved *SEP 1900*

[Signature]

Commissioner.

l/b

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 24 1900

[Signature]

Del card No 18

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Nellie Bell Rogers, born on the 10 day of June 1900. Name of Father: James Foster Rogers, a citizen of the Cherokee Nation. Name of Mother: Josephine Rogers, a citizen of the Cherokee Nation. Post-office: Vienna T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northwestern District.

I, Josephine Rogers, on oath state that I am 21 years of age and a citizen, by blood of the Cherokee Nation; that I am the lawful wife of James Foster Rogers, who is a citizen, by blood of the Cherokee Nation; that a female child was born to me on the 10 day of June 1900 that said child has been named Nellie Bell Rogers, and is now living.

WITNESSES TO SIGN:

Josephine Rogers

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of Aug 1900

John E. Butler, Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northwestern District.

I, Mrs. Jane Markes, a Midwife, on oath state that I attended on Mrs. Josephine Rogers, wife of James Foster Rogers on the 10 day of June 1900, that there was born to her on said date a female child; that said child is now living and is said to have been named Nellie Bell Rogers.

WITNESSES TO SIGN:

Jane Markes

(Must be Two Witnesses.)

W. E. Woodall, Robt J. Markes

Subscribed and sworn to before me this 21 day of Aug 1900

John E. Butler, Notary Public

See

IN RE

Application for Enrollment of

INFANT CHILD

James Foster Rogers
as a citizen of the

Cherokee Nation

Approved *SEP 24 1900*

[Signature]
Commissioner

11218

[Signature]

SEP 24 1900

FILED

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

See Card No 18

File Board 10/18

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

[Handwritten signature]

10/18

Commissioner

[Handwritten signature]
Approved
SEP 24 1900

Cherokee Nation

James Foster Rogers
as a citizen of the

INFANT CHILD

Application for Enrollment of

IN RE

[Handwritten signature]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO TAKE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of James Foster Rogers born on the 13 day of July, 1898. Name of Father: James Foster Rogers a citizen of the Cherokee Nation. Name of Mother: Josephine Rogers, a citizen of the Cherokee Nation. Post-office: Vinita, O.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District.

I, Josephine Rogers, on oath state that I am 21 years of age and a citizen, by Blood of the Cherokee Nation; that I am the lawful wife of James Foster Rogers, who is a citizen, by Blood of the Cherokee Nation; that a male child was born to me on the 13th day of July, 1898; that said child has been named James Foster Rogers Jr, and is now living.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of Aug 1900.

John O. Burton Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District.

I, Mrs. James Marker, a Midwife, on oath state that I attended on Mrs. Josephine Rogers, wife of James Foster Rogers, on the 13th day of July, 1898; that there was born to her on said date a male child; that said child is now living and is said to have been named James Foster Rogers Jr.

(Must be Two Witnesses.)

Dr. E. Woodall, R. J. Marker

Subscribed and sworn to before me this 21 day of Aug 1900.

John O. Burton Notary Public

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,

do hereby certify that the instrument hereto attached was filed for record in my office the 22 day of

June 1898, at

M., and duly recorded in Book

4 Marriage

Record, Page

WITNESS my hand and seal of said Court at Wipita, in said Territory,

this

22 day of July

1898

James A. Winston

Clerk.

By

Deputy

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1900

Dec 18 1900

[Signature]

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,
do hereby certify that the instrument hereto attached was filed for record in my office the 20 day of
June 1898, at M., and duly recorded in Book 4 Marriage
Record, Page 9

WITNESS my hand and seal of said Court at Wagon, in said Territory,

this 21st day of July A.D. 1898

James A. Winston, Clerk.

By

Deputy

SEP 21 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F. T. B. D.

210 1898

MARRIAGE LICENSE.

FILED
JUN 20 1898
W. W. ...
CLERK

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

No. 507

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. James Rogers of Vinita in the Indian Territory, aged 28 years, and Miss Jessie M. Mason of Vinita in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 4th day of January A.D. 1898.

By J. C. Anderson Deputy
Jas. C. Anderson
Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, J. C. Anderson
Deputy Clerk U.S.C.
Minister of the Gospel
DO HEREBY CERTIFY, that on the 4th day of January A.D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 4th day of January A.D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District.

Book _____ Page _____
J. C. Anderson
Deputy Clerk U.S.C.

NOTE - This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable to the expense of One Hundred Dollars (\$100.00).

100-101
IN RE

Application for Enrollment of

INFANT CHILD

Mary Jane Rogers
as a citizen of the

Massachusetts Nation.

Approved

ANN W. H.
1902

[Signature]
Commissioner.

COMMISSION TO THE FIVE STATES

FILED

JUN 4 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Mary Jane Rogers, born on the 5 day of April, 1902. Name of Father: Jas F Rogers, a citizen of the Cherokee Nation. Name of Mother: Josephine Rogers, a citizen of the Cherokee Nation. Post-office Penasco, Okla. P.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Josephine Rogers, on oath state that I am 28 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Jas F Rogers, who is a citizen, by blood, of the Cherokee Nation; that a female child was born to me on the 5 day of April, 1902 that said child has been named Mary Jane Rogers and is now living.

WITNESSES TO MARRIAGE

(Must be Two Witnesses)

Subscribed and sworn to before me this 26 day of May 1902 J O Butler NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Jas F Rogers, on oath state that I attended on Mrs. Josephine Rogers wife of Jas F Rogers, on the 5 day of April, 1902 that there was born to her on said date a female child; that said child is now living and is said to have been named Mary Jane Rogers.

WITNESSES TO MARRIAGE

(Must be Two Witnesses)

Subscribed and sworn to before me this 26 day of May 1902 J O Butler NOTARY PUBLIC

18

Journal of August 1864

1.
 2.
 3.
 4.
 5.

C M
 C M
 S M

MM

Cher 10413

John L. Nall

Trans. from Del. #19

(Old Series)

Cher 10413

A 1047

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 20 1901

 A. N. CHAPMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., Sept. 24, 1900.

In the matter of the application of John H. Wall for enrollment of himself and two children as citizens of the Cherokee Nation, said Wall being duly sworn by Commissioner Needles, testified as follows:

- Q What is your name? A John H. Wall.
Q What is your age? A 48.
Q Your postoffice? A Vinita.
Q Your district? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply for enrollment? A Myself and two children.
Q What was the name of your wife? A Ellie Hendricks, a Delaware.
Q What was her age? A 24 years when we were married.
Q When did she die? A '96.
Q When were you married to her? A '91.
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 What are the names of your children? A John L., 7 years old.
On '96 roll, page 623, number 69.
Q Next? A Mary E., four years old.
On '96 roll, page 623, number 70.
Q Are these children alive and living with you? A Yes.
Q Have you married since your wife died? A No, sir.
Q Did you live with her continuously up to the time of her death?
A Yes.

Applicant presents marriage license and certificate certifying that he was married to one Miss Ella Hendricks according to the laws of the Cherokee Nation on the 20th day of December, 1891.

Applicant's wife on '90 roll, page 270, number 1320.

Applicant on '96 roll, page 623, number 401.

- Q What was the date of the death of your wife? A 20th February, '96.
Q You haven't married since? A No, sir.

The name of John H. Wall appears upon the census roll of '96. He also presents satisfactory proof of his marriage to one Ellie Hendricks, a Delaware by blood, who is now deceased. The names of his children, John L., and Mary E., appear upon the census roll of '96. They all being fully identified according to page and number of the rolls as indicated in the testimony, and making satisfactory proof as to their residence, the said John H. Wall will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his children, John L., and Mary E., will be duly listed as Cherokee citizens of Delaware blood.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) B. McDonald.

Subscribed and sworn to before me this 23th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Groninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur C. Croninger

Subscribed and sworn to before me this 14th day of November, 1901.

M. W. Green

Notary Public.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 24 1900 1900.

(18)
Name John H. Mall

Vinita J. J.

District DELAWARE

Year 1896 Page 55 No. 101

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen yes

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

1 John L. Mall
3 Mary E. "

| Dist. | Year | Page | No. | Age |
|----------|------|------|-----|-----|
| DELAWARE | 1846 | 628 | 69 | 7 |
| DELAWARE | 1846 | 623 | 70 | 4 |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

Recd 19

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 20, 1902.

In the matter of the application of John H. Mall for enrollment as a citizen by intermarriage of the Cherokee nation.

John H. Mall, called as a witness, being duly sworn by the Commission, testified as follows:

- Q What is your name? A John H. Mall.
Q How old are you? A Fifty years.
Q What is your postoffice address? A Vinita, I.T.
Q Are you a white man? A Yes sir.
Q Are you claiming a right to be enrolled as an intermarried citizen of the Cherokee nation? A Yes sir.
Q What is your wife's name? A Ella Hendrix, when I married her; Ella Mall when she died.
Q Was she a Cherokee by blood? A No, a Delaware.
Q How long had she been living in the Cherokee Nation when you married her?
A It was '74 I think they made that treaty; she came here when the Delaware came here.
Q And she lived in the Cherokee nation from that time up to the time of her death? A Yes sir.
Q When were you married to her? A In 1891 I think it was.
Q Were you married under a Cherokee marriage license? A Yes sir.
Q Was she your first wife? A No sir.
Q How often had you been married before you married her? A Once.
Q Was your first wife dead when you married your second wife? A Yes.
Q Had your wife Ella ever been married before she married you? A No sir.
Q When did your last wife die? A In February, 1896.
Q Did you live with her from the time you married her up to the time of her death? A Yes sir.
Q Never was separated from her, was you? A No sir.
Q Have you married again since the death of your wife, Ella? A No sir.
Q Have you been residing in the Cherokee nation ever since you were married to your wife Ella? A Yes sir.
Q Was your first wife a white woman? A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this 25th day of October, 1902.

B. Jones
Notary Public.

Cher 10414

Lucy C. Schliecker

Trans. from Del. # 20

(Old Series)

Cher 10414

B. C. 20.9

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 24 1900

[Faint signature]
SPECIAL AGENT IN CHARGE

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WINTA, T. T., SEPTEMBER 24th, 1890.

IN THE MATTER OF THE APPLICATION OF Freeman Kildiffer, wife and children, for enrollment as citizens of the Cherokee Nation, and he had sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Freeman Kildiffer.
Q What is your age? A Fifty one.
Q What is your Postoffice? A Winta.
Q What district do you live in? A Coconawacoo.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A About one eighth.
Q For whom do you apply? A Myself, wife and children.
Q Your father and mother are living? A No sir.
Q What is the name of your wife? A Mary R.
Q What was her name before you married her? A Jandy.
Q When did you marry her? A About twenty two years ago.
Q Are her father and mother living? A Her father is living.
Q Is she a Cherokee citizen by blood? A She is a Delaware.
Q What are the names of your children, under twenty one years of age?
A The oldest one is Jany G.
Q How old is she? A Nineteen.
Q The next one? A Mary Della.
Q How old is she? A Fourteen.
Q The next one? A Ella R.
Q How old is Ella? A She is ten years old.
Q Next one? A Robert R.
Q How old is he? A Seven years old.
Q Next one? A Bula May.
Q How old is Bula May? A Three years old.
Q Is that all? A Yes sir.
Q Are these children all living, and living with you at this time?
A Yes sir.

- (1890 Roll, Page 294, #1981, Freeman Kildiffer, Delaware Dist)
- (1890 Roll, Page 293, #1982, Mary R. Kildiffer, Delaware Dist)
- (1896 Roll, Page 224, #3547, Freeman Kildiffer, Coconawacoo Dist)
- (1896 Roll, Page 224, #3548, Mary R. Kildiffer, Coconawacoo)
- (1897 Roll, Page 224, #3549, Jany G. Kildiffer, Coconawacoo)
- (1898 Roll, Page 224, #3552, Mary D. Kildiffer, Coconawacoo)
- (1898 Roll, Page 224, #3553, Ella R. Kildiffer, Coconawacoo)
- (1898 Roll, Page 224, #3554, Robert R. Kildiffer, Coconawacoo)

Q Have you any proof of birth as to your youngest child?
A Yes sir.
Applicant presents satisfactory proof of the birth of his child, Bula May, whose name does not appear upon the census roll of 1896.
Q You are a resident of the Cherokee nation? A Yes sir.
Q And have been how long? A Fifty one years I guess.

The name of Freeman Kildiffer appears upon the authenticated roll of 1890, as well as the census roll of 1896; and the name of his wife, Mary R. Kildiffer also appears upon the authenticated roll of 1890, as well as the census roll of 1896, as a Delaware Indian. The names of their children, Jany G., Mary D., Ella R., and Robert R. Kildiffer appear upon the census rolls of 1896. The name of the youngest child, Bula May does not appear upon said roll, and having been born since said census was compiled. The said Freeman Kildiffer will be duly listed for enrollment by this Commission as a Cherokee citizen by blood. His wife, Mary R., and his children, as mentioned in the testimony will be duly listed for enrollment as Cherokee citizens of Delaware blood.

The undersigned, being sworn, states that he subscribes to the

POOR ORIGINAL -
BEST AVAILABLE COPY

... to the ... in ...
... and ... in ...
... and complete transcript of his ...

[Handwritten signature]

... and ... to ...
... day of September, 1900.

[Large handwritten signature]

COMMISSEUR

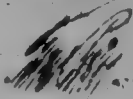
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BEST AVAILABLE COPY

Dec 20 73.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 24 1800



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Name *Freeman Meddifer* Date *June 24 1900* 1900.

District *DELAWARE.* Year *1880* Page *293* No. *1881*

Citizen by blood *yes* Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name *Mary R. Meddifer nee Sunday*

District *DELAWARE.* Year *1880* Page *293* No. *1882*

Citizen by blood *yes* Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

| No. | Name | District | Year | Page | No. | Age |
|-----|---------------------------|----------------------|-------------|------------|-------------|-----------|
| 3 | <i>Jessie C. Meddifer</i> | <i>COOWEESCOOWEE</i> | <i>1876</i> | <i>224</i> | <i>3551</i> | <i>19</i> |
| 4 | <i>Mary A</i> | <i>COOWEESCOOWEE</i> | <i>"</i> | <i>224</i> | <i>3552</i> | <i>14</i> |
| 5 | <i>Ella E</i> | <i>COOWEESCOOWEE</i> | <i>"</i> | <i>224</i> | <i>3553</i> | <i>10</i> |
| 6 | <i>Robert A</i> | <i>COOWEESCOOWEE</i> | <i>"</i> | <i>224</i> | <i>3554</i> | <i>7</i> |
| 7 | <i>Eula M.</i> | <i>COOWEESCOOWEE</i> | <i>"</i> | <i>"</i> | <i>"</i> | <i>3</i> |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

*1 in 1880 call as Freeman Meddifer
2 " " " " " Mary R "
7 Affidavit supplied*

June 20

IN RE

Application for Enrollment of

INFANT CHILD

Carla M. Siediff

as a citizen of the

United States Nation.

Approved *SEP* 1900

[Signature]
Commissioner.

C. 6. 0

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

Ad Board No 90

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Eula May Bidiff, born on the 16th day of June, 1897.
(Here insert name of child.)
Name of Father: Foreman Bidiff, a citizen of the Cherokee Nation.
Name of Mother: Mary R. Bidiff, a citizen of the Cherokee Nation.
Post-office: Vinick, N.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District.

I, Mary R. Bidiff, on oath state that I am 41
years of age and a citizen, by (Delaware), of the Cherokee Nation;
that I am the lawful wife of Foreman Bidiff, who is a citizen, by
blood, of the Cherokee Nation; that a Female child was
(male or female)
born to me on the 16th day of June, 1897; that said child has been
named Eula May Bidiff, and is now living.

WITNESSES TO SIGN:

(Must be Two)
(Witnesses.)

Subscribed and sworn to before me this 20 day of Sept, 1900.

My Commission Expires Sept 10th 1902 [Signature] NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District.

I, Oliver Bagby, Physician, on oath state that I
attended on Mrs. Mary R. Bidiff, wife of Foreman Bidiff,
on the 16th day of June, 1897; that there was born to her on
said date a (male or female) child; that said child is now living and is said to have been
named Eula May Bidiff.

WITNESSES TO MARK:

(Must be Two)
(Witnesses.)

Subscribed and sworn to before me this 20 day of Sept, 1900.

My Commission Expires Sept 1st 1902 [Signature]

W

Ad 20

20

IN RE

Application for Enrollment of

INFANT CHILD

August J. Schisler
as a citizen of

Cherokee Nation.

Approved

February 15, 1902

C. R. McMillan
Commissioner.

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

IN RE Application for Enrollment, as a citizen of the Cherokee, Nation,
of August F. Schliecker, born on the 19th of January, 1902
Name of Father: August Schliecker, a citizen of the United States
Name of Mother: Lucy C. Schliecker, a citizen of the Cherokee Nation.
Post-office Vinita, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Northern District, INDIAN TERRITORY

I, Lucy C. Schliecker, on oath state that I am twenty-one years of age and a citizen, by Delaware Blood of the Cherokee Nation; that I am the lawful wife of August Schliecker, who is a citizen of the United States; that a male child was born to me on 19th day of January, 1902, that said child has been named August F. Schliecker, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses)

Lucy C. Schliecker

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

Walter H. Martin
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Northern District, INDIAN TERRITORY

I, Oliver Bagby, a Physician, on oath state that I attended on Mrs. Lucy C Schliecker, wife of August Schliecker, on the 19th day of January, 1902; that there was born to her on said date a Male child; that said child is now living and is said to have been named August F. Schliecker

WITNESSES TO MARK:

(Must be Two Witnesses)

Oliver Bagby

Subscribed and sworn to before me this 7th day of February, 1902.

Walter H. Martin
NOTARY PUBLIC

RECEIVED
OFFICE OF THE
SHERIFF
MAY 13 1930

LETTER FROM THE STATE OF MISSISSIPPI TO

MISSISSIPPI
STATE

MISSISSIPPI
STATE

1000

COMMUNITY

13

14

15

16

489

Delaware #80.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.

In the matter of the application of MARY R. WIDIFFER, for the enrollment of herself and children, Lucy G., Mary D., Ella E., Robert H., and Fula H. Widiffer, and for the enrollment of her grandson, August F. Schliecker, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register, made in 1867, of Delaware Indians who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Mary R. Widiffer, as Mary R. Lundy, No. 871.

It is ordered that copies of this statement be filed with and made a part of the record in this case.


Commissioner.

RP

101670

U.S. GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
WASHINGTON, D.C. 20506

Continued

JAN 1960

U.S. GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
WASHINGTON, D.C. 20506

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS. No. 1063.
NORTHERN DISTRICT.)

To any person authorized by law to solemnize marriage, greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. August H. F. Schliecker, of Vinita in the Indian Territory, aged 29 years, and Miss Lucy Widgeffer, of Vinita, in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 10th day of November, A. D., 1900.

(Signed) Chas. A. Davidson,
Clerk of U. S. Court.

By T. A. Chandler, Deputy.

-----0-----

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS:
NORTHERN DISTRICT.)

I, William T. King, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 11 day of Nov. A. D. 1900, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 11 day of Nov. A. D., 1900.

My Credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book B, page 94.

(Signed) Wm. T. King,
A Minister of the Gospel.

-----0-----

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA)
INDIAN TERRITORY,) SS.
NORTHERN DISTRICT.)

I, Chas. A. Davison, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed in my office the 10 day of Dec. 1900, and duly recorded in Book F, marriage record, page 380.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 10 day of Dec. A. D., 1900.

(Signed) Chas A. Davison, Clerk.

-----0-----

CERTIFICATE OF TRUE COPY.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS.
NORTHERN DISTRICT.)

I, Charles A. Davison, Clerk of the United States Court in

the Northern District, Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a Marriage License filed in my office on the 10 day of Dec., 1900.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 13 day of Feb., A. D., 1902.

(Signed) Chas. A. Davidson,
Clerk and Ex-Officio Recorder

By (Signed) R. D. Owen,
Deputy Clerk.

-----o-----

Endorsement:

Department of the Interior
Commission to the Five Civilized Tribes
Filed Feb. 18, 1902.
Tams Bixby,
Acting Chairman.

-----ooo-----

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE, TAHLEQUAH, I.T.
JANUARY 16, 1904.

I, the undersigned, Chief Clerk Cherokee Land Office, do hereby certify that the above and foregoing is a true, full and correct copy of certified copy of a marriage license between August H. P. Schliecker and Lucy Nideffer, as the same appears on file in this office, said records being in my custody.

Amos B. Jones
Chief Clerk.

Subscribed and sworn to before me this January 16, 1904.

Johnson
Notary Public.

EA 20

REPORT OF THE
COMMISSION TO THE UNITED STATES
INDIAN COMMISSION

JAN 20 1904

CHAIRMAN

Delaware 20

Tablequah, Indian Territory, January 19, 1904.

Mrs. Lucy Schliecker,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith marriage license, showing your marriage to August H. F. Schliecker, heretofore filed with your application for enrollment as a citizen of the Cherokee Nation, a copy of same having been made and retained in the Commission's files.

Respectfully,

MFV

Enc. R-1

Cher 10415

Josie Drum

Trans. from Del. #21
(Old Series)

Cher 10415

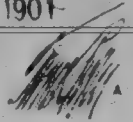
RECEIVED THE SECRETARY OF THE DEPARTMENT OF HEALTH NOV 20 1901

A Bill

DEPARTMENT OF HEALTH
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 20 1901



W. W. CHURMAN

THE ATTORNEY GENERAL HAS BEEN ADVISED BY THE SECRETARY OF HEALTH THAT THE COMMISSION TO THE FIVE CIVILIZED TRIBES HAS BEEN ORGANIZED AND IS NOW IN THE PROCESS OF HOLDING HEARINGS AT WASHINGTON, D. C. ON NOVEMBER 19, 1901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 24, 1900.

In the matter of the application of Aleck Drum for the enrollment of himself, his wife and children, as Cherokee citizens.

The said Aleck Drum, being sworn and examined by the Commissioner, Hon. C. R. Breckinridge, testified as follows:

(Examination through the interpreter.)

- Q What is your name? A Aleck Drum.
Q How old are you? A About fifty.
Q What is your post office? A Caney, Kansas.
Q What district do you live in? A Cooweescoowee District.
Q Who is it you want to have put on the roll? A He wants to enroll himself and let his family enroll themselves as Delawares.
Q Does he want to enroll his wife? A Yes, sir.
Q How many children does he want to enroll? A Three children.
Q What is he, a Delaware? A A Shawnee with a Delaware family.
Q What is your wife? A A Delaware.
Q Does he claim to be a full blood? A A half breed.
Q What is his wife, a full blood or a half breed?
A Full blood Delaware.
Q How long has he lived in the Cherokee Nation? A Since about 1870.
Q Lived all the time in Cooweescoowee? A Yes, sir.
Q Give me his wife's name? A She has got a Delaware name. She has not got any English name, but her Delaware name is Ahpaha Drum.
Q How long has he been married to her? A About twenty years.
Q Give me the names of his children now?
A John Drum.
Q How old is John? A About twenty.
Q What is the next child? A Willie Drum.
Q How old is Willie? A About eighteen.
Q The next child? A Jessie.
Q How old is Jessie? A About nine years old.
Q Are they all living now? A Yes, sir.
1880 roll, page 92, No. 260, Alex Drum, Cooweescoowee District.
Adopted Shawnee.
1880 roll, page 92, No. 261, Mrs. A. Drum, Cooweescoowee District, Delaware.
1880 roll, page 240, No. 143, Alex Drum, Cooweescoowee District.
1880 roll, page 265, No. 210, Mrs. A. Drum, Cooweescoowee District.
1880 roll, page 92, No. 262, James Drum, Cooweescoowee District. One year old.
1880 roll, page 265, No. 211, James Drum, Cooweescoowee District.
1880 roll, page 265, No. 212, Jessie Drum, Cooweescoowee District.
Q Ask him why this boy Willie was not on the roll of 1880?
A He said he was on the Delaware pay rolls.
Q Your wife is living with you now, is it not? A Yes, sir.
Q Willie was born in the Cherokee Nation, was he?
A Yes, sir.

Q And lived here all his life? A Yes, sir.

THE COMMISSIONER: The applicant applies for the enrollment of himself, his wife and three children. He and his wife are identified on the rolls of 1880 and 1886. Their residence is established in a satisfactory manner in the Cherokee Nation, and he will be enrolled now as a Cherokee-Shawnee, and his wife as an adopted Delaware.

Their child John is identified on the rolls of 1880 and 1886; he is living at this time, and he will be listed now for enrollment as an adopted Delaware. The child Josie is identified on the roll of 1886; he is living at this time, and will be listed for enrollment as an adopted Delaware.

The child Willie is not identified on any roll. He is said by the applicant to have been living with him all his life, and that he should be upon the roll. In view of the doubt surrounding his name from the lack of enrollment, he will be at present placed upon a white card until he can be more satisfactorily identified.

The undersigned being sworn states that as stenographer to the Commission to the Five Civilized Tribes correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

(Signed) Wm. S. Wellshear.

Subscribed and sworn to before me this 5th day of October, A.D. 1900.

(Signed) C. R. Brockbridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of November, 1901.

Mrs. Green
Notary Public

Commissioner

73-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

[Signature]
ACTING CHAIRMAN

Dil 21

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP - 1 1900 1900.

Name Candy, Kansas

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

1 Wife's name Abraham Drum

District COOWEESCOOWEE Year 1880 Page 92 No. 861

Citizen by blood Delaware, Full Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

2 John Drum Dist. COOWEESCOOWEE Year 1880 Page 92 No. 863 Age 20

~~3 Miller Dist. COOWEESCOOWEE Year _____ Page _____ No. _____ Age 18~~

4 Jessie Dist. Delaware Year 1896 Page 365 No. 112 Age 9

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

1 On 1880 Roll as Mrs. A. Drum

2 " " 1896 " " James

4 " " 1896 " " Jessie Drum

W. H. ...

Del 21

10/11/10

11/11

[Handwritten scribbles and marks on the left margin]

I have been thinking about you a lot lately and wondering how you are getting on. I hope you are well and happy. I have been busy with work but I always find time to think of my friends.

I don't know how long it has been since we last spoke. I have been thinking about you a lot lately and wondering how you are getting on. I hope you are well and happy. I have been busy with work but I always find time to think of my friends.

SUPPLEMENTAL

Delaware card #11:

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T. October, 11th 1900.

In the matter of the application of Klick Drum for the enrollment of himself, wife and family as citizens of the Cherokee Nation, John Drum being sworn by Commissioner Brockbridge testified as follows in regard to said application. (Examination by the Commission)

- Q What is your name? A John Drum.
Q What is your age? A 26 or 7.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Adopted Delaware? A Yes sir.
Q What is your fathers name? A Klick Drum.
Q What is your mothers name? A Pinkey.
Q What is her Delaware name? A. Ah-pah-mala.
Q How many brothers and sisters have you? A. One brother and one sister.
Q What is the name of your brother? A. Willie.
Q Is he younger than you? A Yes sir.
Q How old is he? A. 21.
Q What is your sisters name? A. Josie.
Q What is her age? A. 14 or 15.
Q Did you authorize your mother to make an application for your enrollment at Vinita before this Commission? A. No sir. My mother was not there the old man was there.
Q Did you have any understanding or agreement with your father as to who was to make the application for your enrollment? A. No sir.
Q Do you live with him? A Yes sir.
Q Does he know how old you are? A I dont know.
Q Is your mother here in town yet? A. No sir.

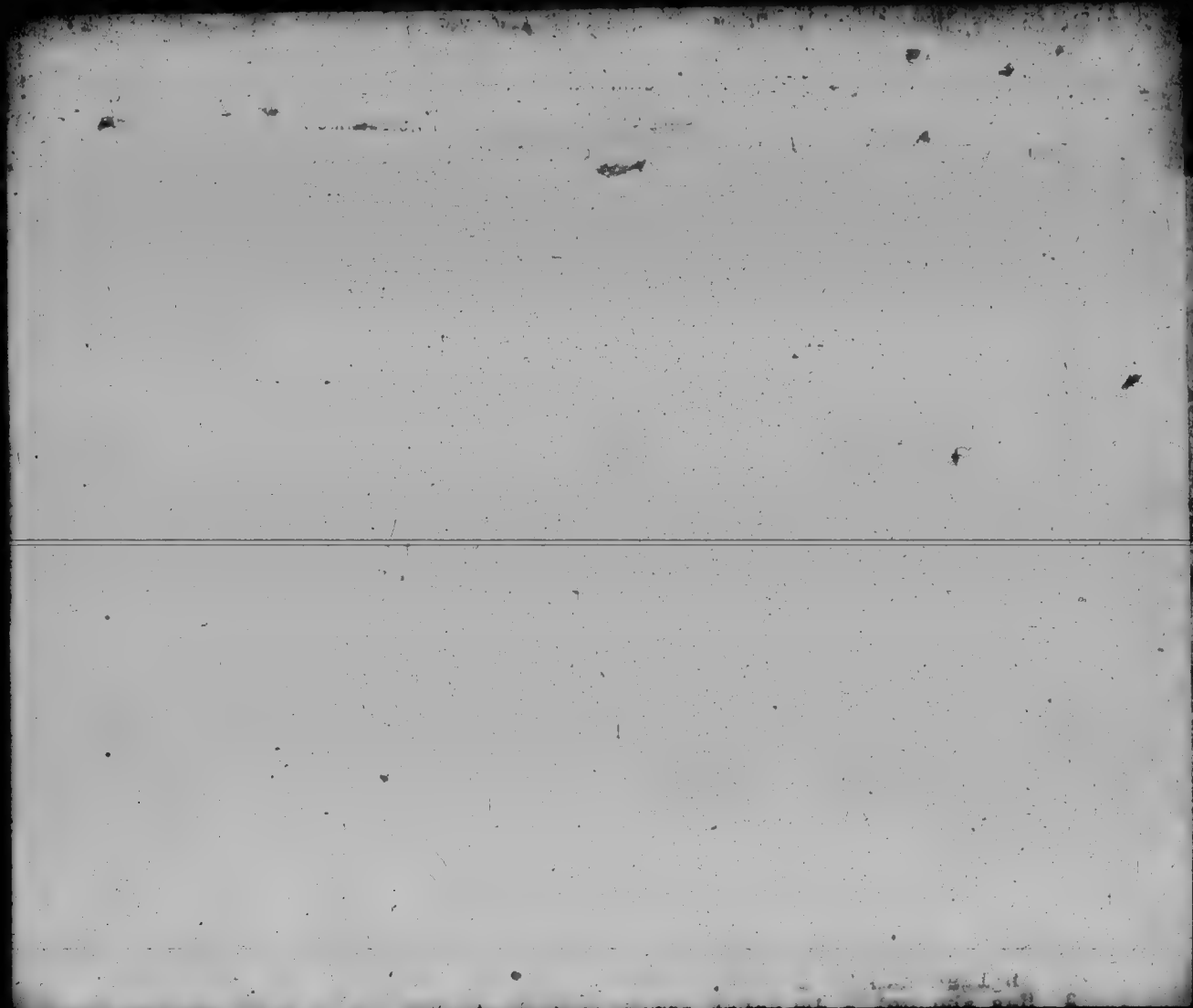
It appears from the application made by Klick Drum for the enrollment of himself, wife and children made before the Commission at Vinita on October 24th 1900 that he stated that his oldest son was named John and was 20 years of age, and that the next was named Willie and that his age was 18 and that he had a daughter named Josie aged 9. The Commission there identified his oldest son on the 1880 authenticated roll of Cherokee citizens as James Drum and the second son Willie was not found on either the 1880 authenticated roll or the 1880 census roll of the Cherokee Nation. It now appears from the testimony of John Drum who has this day made an application for the enrollment of himself wife and child, that he is 26 or 27 years old and he is identified on the 1880 authenticated roll of citizens of the Cherokee Nation as George Drum, Page 22, No 262, Cooweescoowee distric as an adopted Delaware. The Commission can now identify his second son Willie as James Drum upon the 1880 authenticated roll of citizens of the Cherokee Nation for Cooweescoowee district, Page 22, No. 262.

Ohas. von Veiss being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings.

(Hasson Weiss)

Subscribed and sworn to before me this the 12th day of Oct., 1900.

(Signature)



Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 14, 1903.

In the matter of the application of AHPAHMALA DRUM for the enrollment of herself and her daughter, JOSIE, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

JOHN YOUNG, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A John Young.
Q How old are you? A I am about 57.
Q What is your postoffice address? A Weldon.
Q Are you a Delaware citizen of the Cherokee Nation? A Yes sir.
Q You are a full-blood Delaware, are you? A Yes sir.
Q Are you a member of the Delaware Business Committee? A Yes.
Q Do you know a woman by the name of Ahpahmala-Drum? A Yes, Ahpahmala.
Q Has she an English name? A Yes.
Q What's her English name? A Pinkie, they call her.
Q Which name does she generally go by, Ahpahmala or Pinkie?
A Ahpahmala.
Q She is generally known by her Delaware name, and not by her English name? A Yes.
Q Has she got a daughter named Josie? A Yes.
Q Is she a child about 12 years old now? A She's married.
Q Who is she married to? A She married a Shawnee; her man's name is John Ax.
Q When were they married? A About a year ago.
Q Were they married before September 1, 1902? A No sir--I couldn't tell you.
Q How long have you known Ahpahmala Drum? A Oh, I've known her about 40 years.
Q Has she lived in the Cherokee Nation ever since you've known her?
A Yes. I knew her before she came to the Cherokee Nation.
Q Is she living in the Cherokee Nation now? A Yes.
Q And this daughter Josie has lived here all her life? A Yes.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 27th day of November, 1903.

Samuel E. ...

Notary Public.

U. S. GEOLOGICAL SURVEY

WATER RESOURCES DIVISION

111

Delaware 21.

C Department of the Interior,
Commission to the Five Civilized Tribes,
Dewey, Indian Territory, November 28, 1903.

In the matter of the application of Ahpahmala Drum for the enrollment of herself and child, Jessie Drum, as Delaware citizens by blood of the Cherokee Nation.

John R. Willey, being duly sworn and examined by the Commission, testified as follows:

- Q Your name is John R. Willey? A Yes sir.
Q You are fifty-three years of age? A Yes sir.
Q Your post office is Nowata? A Yes sir.
Q Do you know Ahpahmala Drum? A Yes sir.
Q How long have you known her? A It must be about thirty-nine years.
Q Have you known her continuously since the Delawares came to the Cherokee Nation in 1867? A Yes sir.
Q Is she usually known by her Delaware name? A Ahpahmalame.
Q Do you know the names of her relatives or members of her family?
A Yes sir.
Q Mrs. Drum is identified on the Delaware Register as Ah-pah-ma-le-mh e-qua, No. 223, appearing right after the name of wa-ha-m-pah-see-who; is that the correct identification of Mrs. Drum? A No sir.
Q I will ask you to examine the register to see if you identify her name upon the same? A That one right there Ah-pah-ma-lum-nah.
Q Does that name appear with the members of her family? A Yes sir.
Q You knew them you stated? A Yes sir, here is her sister right there.
Q That is the name following the one you just called? A Yes sir.

Commission: The identification of Ahpahmala Drum heretofore given, No. 223, is found to be incorrect; the said Ahpahmala Drum being identified upon the Register with the members of her family at No. 410 as Ah-pah-ma-lum-nah.

- Q Is this person whose name appears upon the Register here at No. 223 living or dead? A Dead.
-

The

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

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

Samuel Forman
Notary Public.

10017

Exhibit to the Commission on the Status of Women in the U.S.A. -
The U.S. Government's Policy on Women's Rights in the U.S.A. -
The U.S. Government's Policy on Women's Rights in the U.S.A. -

10017

JUN 1964

10017

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 CHEROKEE LAND OFFICE,
 TANLEQUAN, I. T. ~~APRIL~~ ^{May}, 1904.

In the matter of the application for the enrollment as a citizen of the Cherokee Nation of Delaware blood, of Jessie Collier, nee Drum.

SUPPLEMENTAL TESTIMONY.

JESSIE COLLIER, being sworn and examined by the Commission, testified as follows:

- Q. What is your name? A. Jessie Collier.
 Q. How old are you? A. I will be 19 the 2nd day of July, I think.
 Q. What is your post office address? A. Wann.
 Q. Are you a citizen of the Cherokee Nation? A. Yes sir.
 Q. Under what name were you enrolled? A. I don't know.
 Q. What was your maiden name? A. Jessie Drum.
 Q. Father named Alex Drum? A. Yes.
 Q. What was your mother's name? A. Pinkie.
 Q. What was her Indian name? A. Ah-pah-male.
 Q. Have you married since you were enrolled? A. Yes sir.
 Q. When were you married? A. A year ago.
 Q. Give me the month and day? A. 9th day of July.
 Q. Who were you married to? A. Collier.
 Q. What is his first name? A. David Collier.
 Q. Is he a citizen? A. No sir.
 Q. Are you and he living together now? A. Yes sir.
 Q. If you gave your age as nine in 1900, that was wrong wasn't it? A. John knows how old I was, he is downstairs.
 Q. That was four years ago; how old are you now? A. They never did tell me how old I was. My mother would know. I think John told me awhile ago I was nineteen.

Mary B. Rissor, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of her stenographic notes therein.

Mary B. Rissor

Subscribed and sworn to before me this 2 day of June, 1904.

Simon R. Wallingford
 Notary Public.

Cherokee 10418

Wahlequah, Indian Territory. June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to schedule No. 51, heretofore forwarded to the Department for approval, the Commission has the honor to report that the age of Josie Drum, appearing thereon opposite No. 20958, should correctly appear as 17 instead of 11. On May 31, 1904, the applicant in this case appeared at the Cherokee Land Office and testified in connection with her application to select an allotment, that her age on September 1, 1902, was 17.

The Commission therefore respectfully recommends that the copies of this schedule retained by the Department and in the office of the Commissioner of Indian Affairs, be corrected so that the age of Josie Drum, No. 20958, will appear as 17 instead of 11 and that the Commission be directed

Secretary of the Interior--2.

to make similar changes upon the copies of the schedule re-
turned to it.

Respectfully,

Chairman

Commissioner

Commissioner.

Through the Commissioner
of Indian Affairs.

MMR

Refer in reply to

the following:

Land.

39,654-1904.

(Copy)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

June 20, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed the report of the Commission to the Five Civilized Tribes, dated June 9, 1904, in which it is stated that the age of Josie Drum, whose name appears on the approved partial roll of citizens of the Cherokee Nation, opposite No. 39,958, should appear as 17 years instead of 11 years. The commission asks authority to make the proper correction.

It is recommended that the partial roll on file with the Department be corrected as suggested by the commission, and that this office and the commission be authorized to make the proper correction on their respective rolls.

Very respectfully,

A. C. Tomber,

Acting Commissioner.

(G. A. W.) P.

3 enclosures.

D.C. 21692-1904.

CMR

ITD 5128-1904.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. June 24, 1904.

LRS.

The Commission
to the Five Civilized Tribes.

Gentlemen:

In a communication dated June 9, 1904, your Commission report that the age of Josie Drum, appearing opposite No. 30958 on schedule No. 31 of citizens of the Cherokee Nation, should correctly appear as 17 instead of 11, the applicant having testified before the Cherokee Land Office on May 31, 1904, that her age on September 1, 1902, was 17, and your Commission ask authority to correct said schedule in the above named particular.

The authority requested is hereby granted. The Department has corrected its copy of the schedule accordingly and the Commissioner of Indian Affairs authorized to make a similar change on the schedule in his possession. Inclosed is copy of the Acting Commissioner's letter of June 20th.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 inclosure.

Cherokee-10415.

Muskogee, Indian Territory, July 2, 1904.

The Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of June 24, granting the Commission's request of June 9, to correct schedule No 31 of citizens by blood of the Cherokee Nation so that the age of Josie Dwan, appearing opposite No 10158, will be shown as 17 instead of 11.

You are advised that this change has been made upon the copy of the final roll in this office, and the date of the Department's letter noted opposite same name. The change has also been entered upon the copy of the card in this office, and the following note made thereon:

"June 30, 1904; in accordance with Departmental letter of June 24, 1904, age of No 1 changed on final roll to 17".

You are also advised that the age of this applicant has been made to appear on the card as 15 instead of 9.

Respectfully,

Commissioner in Charge.

Incl. 9-26.

Cher 10416
Amanda Brown

Trans. from Del. #22
(Old Series)

Cher 10416

Bully Brown on 1896 roll, page 112, No. 408, Cooweescooke District.
Annie Lucas on 1898 roll, page 375, No. 398, Annie Lucas, Cooweescooke District.)

Q Was Frances Silverheel a Cherokee or a Delaware? A She was a Shawnee.

(Frances Brown on 1880 roll, page 64, No. 154, Cooweescooke District.
Amanda Brown on 1880 roll, page 475, No. 414, Amanda Black, Cooweescooke District. William Brown on 1898 roll, page 112, No. 408, Cooweescooke District. Amanda Brown on 1898 roll, page 362, No. 137, Cooweescooke District.)

The name of William Brown on the roll of 1880. The name of his wife, a Delaware, who was an attorney's daughter, is not on the roll. The name of her mother, who applied for citizenship, and her family, are found upon the census. Frances Silverheel, was name of Annie Lucas, was born in 1810. Lucas, is found upon the census. The name of her husband, William Brown, will be duly listed as a Cherokee citizen by this Commission. Annie, will be duly listed as a Cherokee citizen of Delaware. Edith Heman, and Emily will be listed as Cherokee citizen.

The name of the applicant roll of 1880. The name of her mother, who was an attorney's daughter, is not on the roll. The name of her mother, who applied for citizenship, and her family, are found upon the census. Frances Silverheel, was name of Annie Lucas, was born in 1810. Lucas, is found upon the census. The name of her husband, William Brown, will be duly listed as a Cherokee citizen by this Commission. Annie, will be duly listed as a Cherokee citizen of Delaware. Edith Heman, and Emily will be listed as Cherokee citizen.

Bruce S. Jones, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereon.

Witness my hand and seal this 12th day of November 1901. Bruce S. Jones.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 24, 1900.

In the matter of the application for the enrollment of William Brown as a Cherokee by blood, his children as Cherokees of Shawnee blood, and his wife and one child as Delawares; he being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Brown.

Q What is your age? A 48 or 49.

Q What is your postoffice? A White Oaks.

Q What district do you live in? A Cooweescoowee.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q By blood? A Yes, sir.

Q What degree of blood do you claim? A My father was a full blood and my mother was a half breed.

Q For whom do you apply for enrollment? A My wife and four children of my own and one stepchild.

Q What is the name of your wife? A My living wife now is Amanda Brown.

Q What was her name before you married her? A She was a widow she went by the name of Amanda Lucas, a Delaware; her maiden name was Block.

Q What is her age? A 55.

Q She is living? A Yes, sir.

Q What was the name of her father? A Doc Block.

Q He living? A No, sir.

Q The name of her mother? A Lisa Block.

Q She living? A Yes, sir.

Q What name would your wife be on the roll of 1880 by? A I don't know.

Q Is she a Delaware? A Yes, sir, a Delaware Indian.

Q You are a Cherokee, are you? A Yes, sir.

Q What is the name of your children? A Richard is the oldest.

Q How old is he? A He is 21.

Q He will have to apply for himself. What is the name of the next one? A Eddie, 18 years old.

Q The name of the next one? A Herman 16 years old.

Q The name of the next one? A Emily, 15 years old.

Q The name of the next one? A Just my stepchild, Annie Lucas.

Q Who was the mother of Annie Lucas? A Amanda, my wife now.

Q What is Annie's age? A 14.

Q These children all alive and living with you? A Yes, sir.

Q How long have you been living in the Cherokee Nation? A All my life.

Q How long has your wife? A She said she was a year old when they came here, she came with the Delawares.

Q Is Eddie your child by her? A No, those were all by my first woman; my first wife was a Shawnee.

Q Your present wife is a Delaware? A Yes, sir.

Q What was the name of the mother of Eddie? A Frances Silverheel.

Q And Herman? A That is the mother of all my own children.

Q Is Frances dead? A Yes, sir.

Q She on the roll of 1880? A Yes, sir.

(William Brown on 1880 roll, page 64, No. 153, Cooweescoowee District.)

Q What was your present wife's name in 1880? A Her name was Emma ~~Lucas~~ before I married her was Lucas and her maiden name was Block; her name was down here as an Indian name.

Q Did she have a father and mother living in 1880? A I can't tell you about her father, her mother was living.

(Eddie Brown on 1880 roll, page 112, No. 407, Cooweescoowee District.)

(Herman Brown on 1880 roll, page 112, No. 408, Cooweescoowee Dist.)

Billy Brown on 1886 roll, page 112, No. 408, Cooweescoowee District.
Annie Lucas on 1896 roll, page 375, No. 388, Annie Lucas, Cooweescoo-
wee District.)

Q Was Frances Silverheel a Cherokee or a Delaware? A She was a
Shawnee.

(Frances Brown on 1886 roll, page 64, No. 154, Cooweescoowee District.
Amanda Brown on 1880 roll, page 478, No. 414, Amanda Black, Coowee-
scoowee District. William Brown on 1896 roll, page 112, No. 408,
Cooweescoowee District. Amanda Brown on 1896 roll, page 362, No.
157, Cooweescoowee District.)

The name of William Brown appears upon the authenticated roll
of 1880. The name of his wife appears upon said roll as Amanda Black,
a Delaware, she having afterwards married one Lucas, and her present
husband being the applicant, William Brown. Her name is also found
upon the census roll of 1886 as Amanda Brown. The name of the
applicant's children by his former wife, named Eddie, Herman, and
Billy, are found upon the census roll of 1896. The mother of said
children, Frances Silverheel, was a full blood Shawnee Indian. The
name of Annie Lucas, the child of the said Amanda Brown by her first
husband, Lucas, is found upon the census roll of 1896. They all being
duly identified according to the page and number of said roll and
having made satisfactory proof as to their residence, the said
William Brown will be duly listed for enrollment by this Commission
as a Cherokee citizen by blood. His wife, Amanda, and her child,
Annie, will be duly listed for enrollment by this Commission as
Cherokee citizens of Delaware blood; and the names of his children,
Eddie, Herman, and Billy will be duly listed for enrollment by this
Commission as Cherokee citizens by Shawnee blood.

Bruce C. Jones, being duly sworn, states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 24th of September, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he made the
foregoing copy, and that the same is a true and complete copy of the
original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of November, 1901.

M. D. ...
Notary Public.

73

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

[Handwritten signature]

CHADWAN

[Handwritten signature]

CHEROKEES BY BLOOD AND ADOPTION.

SEP 24 1900

Date White Oak Ga. 1900.

Name

District Year Page No.

Citizen by blood 1 Mother's citizenship

Intermarried citizen Deceased

Married under what law Date of marriage

License Certificate

Wife's name Annandw Brown nee Black

District COOWEESCOOWEE. Year 1880 Page 75 No. 414

Citizen by blood yes - Delaware Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

| | | | | | |
|---------------------|-----------------------------|------------------|-----------------|----------------|---------------|
| <u>2 Anne Lucas</u> | Dist. <u>COOWEESCOOWEE.</u> | Year <u>1896</u> | Page <u>375</u> | No. <u>398</u> | Age <u>14</u> |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
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| | Dist. | Year | Page | No. | Age |

1 m 1880 roll as Annandw Black
1 wife of William Brown
2 m 1896 roll as Anne Lucas

Del. v.
Chas. Ed. - 10416

1111
MAY 9 1902

RESIDENCE:

Wichita

Lawrence Nation.

Roll.

CARD NO.

FIELD NO. *D*

POST OFFICE:

Wichita

| Dawes' Roll No. | NAME. | Relation-ship to Person first Named | TRIBAL ENROLLMENT | | | | | TRIBAL ENROLLMENT OF PARENTS | | | | | |
|-----------------|-------------------|-------------------------------------|-------------------|----------|----------|------|----------|------------------------------|-------------------|------|-------------------|----------------|------|
| | | | AGE | SEX | BLOOD | Year | District | No. | Name of Father | Year | District | Name of Mother | Year |
| 1 | <i>John Smith</i> | <i>Head</i> | <i>45</i> | <i>M</i> | <i>W</i> | | | | <i>John Smith</i> | | <i>John Smith</i> | | |
| 2 | <i>John Smith</i> | <i>Wife</i> | <i>42</i> | <i>F</i> | <i>W</i> | | | | <i>John Smith</i> | | <i>John Smith</i> | | |
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| 18 | | | | | | | | | | | | | |

June 3, 1902

Delaware 22.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, Ind. Ter., November 30, 1903/

In the matter of the application of Amanda Brown for the enrollment of herself and daughter, Annie Lucas, as Delaware citizens by blood of the Cherokee Nation.

Amanda Brown, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Amanda Brown.
Q How old are you? A Thirty-seven.
Q What is your post office? A Delaware.
Q That is your post office at this time, is it? A Yes sir.
Q Were you born in the Cherokee Nation? A No sir.
Q Where were you born? A In Kansas.
Q Did you come to the Cherokee Nation with the Delawares in 1868?
A Yes sir.
Q Have you resided in the Cherokee Nation continuously since they came here? A Yes sir.
Q Did you ever make your home outside of the Cherokee Nation since that time? A No sir.
Q Have you got a Delaware name? A Yes sir.
Q What is it? A La-pen-ah.
Q What is your mother's name? A Eliza Stout.
Q What was her name when you were a baby? A Eliza Block.
Q What was your father's name? A Dr. Block.
Q Do you know anybody named We-sah-a-te-ar-qua? A That was my sister's daughter.
Q Do you know any one named Oh-we-la-le-mah? A That is my sister.
Q Have you always been taught to believe that you were a registered Delaware? A Yes sir.
Q Do you know when your birthday is? A No sir, I don't.
Q How many children were there came with your mother and father from Kansas? A Just three of us. No, just two. My oldest sister died in Kansas.
Q And there was just yourself and another child? A Yes sir.
Q What was that other one's name? A Oh-we-la-le-mah.
Q When you were small did you live with your father and mother all the time, or did you live in some other family? A I lived with John Winds' mother.
Q Have you had the register examined before this to see if your name could be found on it? A No sir.

Commission:- The applicant's father and mother and older sister are identified upon the Register at Nos. 795, 796 and 797 respectively. The applicant's name cannot be identified upon the Register.

- Q Have you any children? A I got one.
Q What is its name? A Annie Lucas.
Q Is that child living? A Yes sir.
Q Your name is Amanda Brown at this time, is it? A Yes sir.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

2-

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

Samuel Foreman,
Notary Public

Muskogee, Indian Territory, August 21, 1906.

Amanda Brown,

Nowata, Indian Territory.

Dear Madam:--

Receipt is acknowledged of your letter of August 15, asking information relative to the Certificate to the allotment of your child, Cora Brown. You also state that you made application for the enrollment of your minor child, Zora Brown, but have received no answer whatever. You ask to be advised in this connection.

In reply you are advised that the Certificate referred to by you was mailed to you at Nowata on June 3, 1906, and has not been returned to this office.

The matter of the enrollment of your minor child, Zora Brown, will be made the subject of another communication.

Respectfully,

AV

Commissioner.

Cherokee 10416

Muskogee, Indian Territory, August 27, 1906.

Amanda Brown,

Newata, Indian Territory.

Dear Madam:

Further replying to your letter of August 15, 1906, you are advised that apparently the records of this office fail to show that any application has been received for the enrollment of your child, Zera Brown, as a citizen of the Cherokee Nation.

Respectfully,

K.J.C.

Acting Commissioner.

J

Cher 10417

Maud J. Lunday

Trans. from Del. #24

(Old Series)

Cher 10417

W

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, IT., SEPTEMBER 24, 1900.

In the matter of the application of Robert J. Lunday for the enrollment of himself and children as citizens of the Cherokee Nation said Lunday being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Robert J. Lunday.
Q What is your age? A 64.
Q What is your post office? A Needmore.
Q In what district do you live? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A No, sir, by adoption. I am one of the 985 Registered persons who became incorporated citizens of the Cherokee Nation under the Cherokee and Delaware agreement.
Q Are you Delaware? A I am white man.
Q For whom do you apply? A Myself and two daughters.
Q What is the names of your daughters? A Leora A.
Q How old is she? A 23.
Q She will have to apply for herself.
Q The name of the next one? A Namd J.
Q How old is she? A 20.

Interrogatories by Mr. W. W. Hastings, Representative of the Cherokee Nation:

- Q You did not draw with the Delawares? A Yes, sir.
Q Since your adoption up there? A I have draws with them ever since 1867. I drew also strip money.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, IT., SEPTEMBER 24, 1900:

In the matter of the application of Robert J. Lunday for the enrollment of himself and children as citizens of the Cherokee Nation, said Lunday being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Robert J. Lunday.
Q What is your age? A 54.
Q What is your post office? A Needmore,
Q In what district do you live? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir/
Q By blood? A No, sir, by adoption. I am one of the 985 Registered persons who became incorporated citizens of the Cherokee Nation under the Cherokee and Delaware agreement.
Q Are you Delaware? A I am white man.
Q For whom do you apply? A Myself and two daughters.
Q What is the name of your daughters? A Laura A.
Q How old is she? A 22.
Q She will have to apply for herself.
Q The name of the next one? A Maud J.
Q How old is she? A 20.

Interrogatories by Mr. W. W. Hastings, Representative of the Cherokee Nation:

- Q You did not draw with the Delawares? A Yes, sir.
Q Since your adoption up there? A I have drawn with them ever since 1867. I drew also strip money.

1860 enrollment; page 279, #514, Robert J. Lundy, Delaware.
1896 enrollment; page 622, #39, Robert J. Lundy, Delaware.
1896 enrollment; page 422, #41, Maud J. Lundy, Delaware.

- Q How long have you lived in the Cherokee Nation? A 22 years.
Q Born and raised here? A Yes, sir.

Com'r Needles:--The name of Robert J. Lunday appears upon the authenticated roll of 1860 as an adopted Delaware. His name also appears upon the census roll of 1896. The name of Maud J., his child, also appears upon the census roll of 1896. (Q Was the mother of Maud J. a Delaware? A Yes, sir.) They will be duly identified according to the page and number of the rolls, said Robert J. Lunday will be duly listed for enrollment as a Registered intermarried Delaware, and his daughter, Maud J., will be duly listed for enrollment by this Commission as a Cherokee citizen of Delaware blood.

---see000000---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.


Subscribed and sworn to before me this 24th day of September, 1900



73

Office #24.

DEPARTMENT OF THE ARMY
COMMISSION OF TRAINING CIVILIAN ENGINEERS
Washington, D. C., December 20, 1944.

202
5

[Handwritten signature]
S. H. ...

Delaware #24.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.

In the matter of the application of ROBERT J. LUNDAY, for the enrollment of himself and child, Maud J. Lunday, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T.

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Robert J. Lunday, as Robert Lunday, No. 869.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

C. R. Brantley
Commissioner

Cher 10418

Sarah E. Woodall

Trans. from Del. #25
(Old Series)

Cher 10418

Doc. 52
1899

COMMISSIONER OF THE DEPARTMENT OF THE INTERIOR

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M. D. ...

... and a fore to before ... this 24 day of ... in 1899.

[Signature]

Commissioner.

WIFE, SARAH ELLEN, IS A DELAWARE.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 24, 1900.

In the matter of the application of William C. Woodall for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q What is your full name? A William C. Woodall.
Q How old are you? A Thirty years.
Q What is your post-office? A Vinita.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself and wife and three children.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim? A Don't know.
Q Your wife a Cherokee by blood? A No sir, she is a Delaware.
Q How long have you lived in the Cherokee Nation? A 30 years.
Q Born and raised here lived here all your life? A Yes sir.
Q Give me your father's name? A William Coffee Woodall.
Q Cherokee or a white man? A Cherokee.
Q Dead or alive? A Alive.
Q Your mother's name? A Margaret A. Woodall.
Q Cherokee or a white woman? A Cherokee.
Q Dead or alive? A She is dead.
Q How long has she been dead? A About 11 years.
Q Give me your wife's name? A Sarah Ellen.
Q How old is she? A 23.
Q When did you marry her? A 1889.
Q Did you marry your wife when she was 12 years old? A No she was 15.
Q You say she is 23 now and you married her in 1889, that was 11 years ago, how do you make 15 out of that? A 15.
Q She ought to be twenty-six now then? A She is 26 years old yes sir.
Q What was her name when you married her? A Sarah Ellen Marker.
Q Have you a certificate or license of marriage? A No sir.
Q She is a Delaware? A Yes sir.
Q How long has she lived in the Cherokee Nation? A All her life.
Q What is the name of her father? A John D. Marker.
Q Indian or a white man? A He is a white man.
Q Dead or alive? A He is alive.
Q Her mother's name? A Sarah Jane Marker.
Q White woman or an Indian? A Indian.
Q Is she dead or alive? A Alive.
Q What are the names of your children? A Ida Wilson.
Q How old is that child? A 4 years old.
Q Next child A Stand Watie.
Q How old is that child? A 2 years old.
Q Next child? A Vera Madge.
Q How old is she? A 5 months old.
Q Have you had any children before Ida Wilson? A Yes sir one.
Q It is dead? A Yes sir.
1880 roll page 335 #2856 Wm. Woodall Delaware Dist, native Cherokee.
1880 roll page 291 #1827 Sarah E. Marker, Delaware, native Cherokee;
1896 roll page 554 #3454 William C. Woodall Jr. Delaware, native Cherokee.
1896 roll page 554 #3455 Sarah Ellen Woodall Delaware Native Cherokee.
1896 roll page 554 #3456 Lida N. Woodall Delaware, Native Cherokee.
Q These children all living are they? A Yes sir.

Com'r Breckinridge) The applicant applies for the enrollment of himself, wife and three children; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed now as a Cherokee.

William C. Woodall 2

a Cherokee by blood; his wife is identified on the rolls of 1880 and 1896, on the latter roll with her husband and one child; she married him in 1889; she has lived in the Cherokee Nation all her life; He states that she is a Delaware Indian, half-blood; she will be listed now for enrollment as an adopted Delaware, Their child, the Wilson Woodall is identified on the roll of 1896; this child is living at the present time and it will be listed now or enrollment as a Cherokee Delaware. When the Commission is supplied with certificates of birth as to the younger children whose names are given in the testimony, they also will be listed for enrollment as Cherokee-Delawares.

H.D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

Subscribed and sworn to before me this 24 day of September 1900.


Commissioner.

73.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

[Faint handwritten scribble]
Dec 25

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 24 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

26 Wife's name Sarah E. Woodall, Trinita, D.C.

District DELAWARE, Year 1880 Page 291 No. 1827

Citizen by blood Delaware Mother's citizenship Mrs. E. Marker - W - C

Intermarried citizen Sarah E. " - del - C

Married under what law Date of marriage 1880

License Certificate

Names of Children:

2 Ida W. Woodall Dist. DELAWARE Year 1846 Page 534 No. 3456 Age 4

3 Ethel W. " Dist. Year Page No. Age 2

4 Vera M. " Dist. Year Page No. Age 5

Dist. Year Page No. Age

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Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Dist. Year Page No. Age

1 On 1846 Roll is Sarah E. Marker

2 " 1846 " " Lida W. Woodall

3 & 4 Affidavits to be supplied.

See vs

15116

1A 47

Application for Enrollment of

INFANT CHILD

Samuel Hays Pentecost

Christie

State

Approved

SEP 24 1900
[Signature]

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17. 86

Application for Enrollment of

TRAVEL BUREAU

Handwritten signature and text, possibly "David W. ..."

Applicant
FEB 12 1900

Handwritten signature and text, possibly "David W. ..."

Handwritten notes at the bottom left of the page.

RECEIVED
COMMUNICATIONS SECTION
MAR 14 1900

Handwritten notes in the middle right section.

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23

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DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

I, *Stand Watie Woodall*, *Cherokee* Nation, as a citizen of the *Cherokee* Nation, on the *19* day of *March*, 1898, of *(here insert name of child.)*
Name of Father: *William C. Woodall*, citizen of the *Cherokee* Nation.
Name of Mother: *Sarah C. Woodall*, citizen of the *Cherokee* Nation.
Post-office: *Vinita, I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District.

I, *Sarah C. Woodall*, on oath state that I am *23* years of age and a citizen, by *blood* of the *Cherokee* Nation; that I am the lawful wife of *William C. Woodall*, who is a citizen, by *blood* of the *Cherokee* Nation; that a *Male* child was born to me on the *19* day of *March*, 1898; that said child has been named *Stand Watie Woodall*, and is now living.

WITNESSES TO SIGN:

Sarah C. Woodall

(Must be Two Witnesses.)

Subscribed and sworn to before me this *21st* day of *Aug*, 1900.

John E. Butler
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Northern District.

I, *Mary Jane Markes*, *Midwife*, on oath state that I attended on Mrs. *Sarah C. Woodall*, wife of *William C. Woodall*, on the *19* day of *March*, 1898, that there was born to her on said date a *Male* child; that said child is now living and is said to have been named *Stand Watie Woodall*.

WITNESSES TO SIGN:

Mary Jane Markes
mark

(Must Be Two Witnesses.)

W. C. Woodall
Mary J. Markes

Subscribed and sworn to before me this *21* day of *Aug*, 1900.

John E. Butler
NOTARY PUBLIC.

IN RE

10418

Application for Enrollment of

ISSUED

Wm Madge Norbase

As a citizen of the

Republic of Norway

Approved

[Signature]
Commissioner

RECORDED
(1918)
MAY 21 1918

[Signature]
10418-10418-10418

~~D. [unclear]~~
IN RE

10418

Application for Enrollment of

INFANT CHILD

Vera Madge Goodall

as a citizen of the

Cherokee Nation

Approved

SEP

1900

[Signature]

Commissioner

Dec 25

TO BE KEPT IN THE OFFICE OF THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

[Signature] 1075-211

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Vera Madge Woodall born on the 9 day of March, 1900 (Here insert name of child.) Name of Father: William E Woodall, a citizen of the Cherokee Nation. Name of Mother: Sarah E Woodall, a citizen of the Cherokee Nation. Post-office: Vinita, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District

I, Sarah E Woodall, on oath state that I am 23 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of William E Woodall who is a citizen, by blood, of the Cherokee Nation; that a female child was born to me on the 9 day of March, 1900; that said child has been named Vera Madge Woodall, and is now living.

WITNESSES TO SIGN:

Sarah E Woodall

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 day of Aug 1900.

John E Butler NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District

I, Mary Jane Marber, a Midwife, on oath state that I attended on Mrs. Sarah E Woodall, wife of William E Woodall on the 9 day of March, 1900; that there was born to her on said date a female child; that said child is now living and is said to have been named Vera Madge Woodall.

WITNESSES TO SIGN:

Mary Jane Marber mark

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 day of Aug 1900.

John E Butler NOTARY PUBLIC.

Cher 10419

Eva A. Ketchum

Trans. from Del. #26

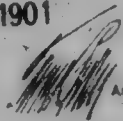
(Old Series)

Cher 10419

Del 26 A-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 13 1901



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. September, 25th 1900.

In the matter of the application of Thomas E. Ketchum, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A. Thomas E. Ketchum.
Q What is your age? A. I am about forty four.
Q What is your post office? A. Vinita
Q What district do you live in? A. Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q What degree of blood do you claim? A. Delaware.
Q Are you a Delaware? A. Registered Delaware.
Q Per whom do you apply? A. Myself.
Q Yourself, wife and children? A. Yes sir.
Q What is the name of your wife? A. Bell Ketchum
Q Is she a citizen by blood? A. No sir.
Q White person? A. Yes sir.
Q When did you marry her? A. In 1884.
Q What was her name when you married her? A. Bell Thompson.
Q Have you any certificate of marriage? A. Yes sir.

The applicant presents a certificate of marriage, certifying that he was married to Miss Bell Thompson, a citizen of the United States, on the 20th day of January, 1894.

- Q What are the names of your children? A. Eva Ann.
Q How old is she? A. Twelve.
Q Name of the next one? A. William T.
Q How old is he? A. Six years old.
Q Next? A. Ludie Bell.
Q How old is she? A. Three.
Q Next one ~~name~~ James W.
Q How old is James W.? A. Five months.
Q Have you any proof of birth as to these younger children? A. Yes sir

Applicant presents proof of birth as to his youngest child, James W. Ketchum.

- Q Are these children all living, and living with you? A. Yes sir.

- (1896 roll, page 622, #33, Thomas E. Ketchum, Delaware Det.)
(1896 roll, page 572, #29, Bell Ketchum, Delaware D'st.)
(1896 roll, page 622, #34, Eva A. Ketchum, Delaware D'st.)
(1896 roll, page 622, #35, William T. Ketchum, Delaware D'st.)

By Mr. W. W. Hastings, Cherokee Representative:

- Q Where were you in 1880? A. In Delaware District.
Q Did you come here with the Delawares? A. Yes sir.
Q Have you lived here continuously ever since? A. Yes sir.

By the Commission:

- (1880 roll, page 276, #1458, Thomas E. Ketchum, Delaware D'st.)

The name of Thomas E. Ketchum, appears upon the authenticated roll of 1880, as Thomas E. Ketcher, and upon the census roll of 1896 as Thomas E. Ketchum: He presents satisfactory proof certificate of marriage, certifying that he was married to one, Bell Thompson, a white person, in 1884, and the name of his wife, Bell Ketchum is found upon the census roll of 1896, as well as the names of his children, Eva A., and William T.; and he presents satisfactory proof of the birth of his youngest child, James W., but none as to Ludie Bell, three years of age.

Thos. E. Ketchum 3.

They all being identified, according to the page and number of the rolls as indicated in the testimony, and having made satisfactory proof of residence, the said Thomas E. Ketchum, and his children, Eva A., William T., Lucie Nell and James W. will be duly listed for enrollment by this Commission as Cherokee citizens of Delaware blood, and his wife Belle Ketchum, as a Cherokee citizen by intermarriage.

In order to complete the enrollment of Lucie Nell Ketchum, it will be necessary for the applicant to present a proper certificate of her birth.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he ~~has~~ correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Gravens,

Subscribed and sworn to before me this 25th day of September, 1900.

G. R. Bunkeridge,
Commissioner.

§ §

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, state upon my oath that the above and foregoing is a full, true and correct copy of the original transcript of the testimony and proceedings in the application of Thomas E. Ketchum for the enrollment of himself and others, said original transcript having been made by R. R. Gravens, as stenographer.

Chas. W. ...

Subscribed and sworn to before me this the 25th of February, 1901.

Thos. E. Ketchum
Commissioner.

73.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES:

FILED

SEP 25 1900

[Faint, illegible handwritten text]

[Handwritten signature or initials]

CHEROKEES BY BLOOD AND ADOPTION.

1900.

Name Thomas E. Ketchum Date SEP 25 1900
 District DELAWARE Year 1880 Page 276 No. 1458
 Citizen by blood yes Mother's citizenship
 Intermarried citizen
 Married under what law Delaware Date of marriage
 License Delaware Certificate
 Wife's name Belle Ketchum
 District Year Page No.
 Citizen by blood Mother's citizenship
 Intermarried citizen yes
 Married under what law Date of marriage

License Certificate

Names of Children:

| Names of Children: | Dist. | Year | Page | No. | Age |
|------------------------|-----------------|-------------|------------|-----------|------------|
| <u>Erin A. Ketchum</u> | <u>DELAWARE</u> | <u>1896</u> | <u>22</u> | <u>34</u> | <u>12</u> |
| <u>William J.</u> | <u>DELAWARE</u> | <u>"</u> | <u>622</u> | <u>35</u> | <u>6</u> |
| <u>Louis W.</u> | <u>DELAWARE</u> | | | | <u>3</u> |
| <u>James H.</u> | <u>DELAWARE</u> | | | | <u>mis</u> |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

1880 276 1458 Thomas E. Ketchum
Belle Ketchum

- 4 Affidavit of birth to be supplied
- 5 Affidavit of birth supplied

276

Dec 26

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1891
SEP 27 1900

CHAS. J. ...

10

TO WHOM IT MAY CONCERN :--

This certifies that Mr. Thomas G. Ketchum, and Miss Belle
Thompson, were united by me in the bonds of matrimony on the 30th day of
January, 1904, at Vinita, Ind. Ter.

Witnessed,

Wm. J. J. J. J.

Pastor, Congregational Church, Vinita, Ind. Ter.

17 1/2

Approved for Enrollment of

WAVE CHILD

Geo Harmon Peterson

Christie St

Approved for Enrollment of

WAVE CHILD

17 1/2

Paul Hendrick 10926

IN RE

Application for Enrollment of

INFANT CHILD

Gas Wyman Ketchum

as a citizen of the

Cherokee Nation.

Approved SEP 25 1900

[Signature]
Commissioner

Del 26

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F. I. B. B.

SEP 25 1900

Del cards No 26

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Jas Hyman Ketchum, born on the 31 day of March 1900 (insert name of child) Name of Father: Thos E Ketchum, a citizen of the Cherokee Nation. Name of Mother: Belle Ketchum, a citizen of the Cherokee Nation. Post-office Vinita I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.

Northern District.

I, Belle Ketchum, on oath state that I am 35 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Thos E Ketchum, who is a citizen, by admission, of the Cherokee Nation; that a male child was born to me on the 31 day of March 1900; that said child has been named Jas Hyman Ketchum, and is now living.

WITNESSES TO MAKE: Belle Ketchum

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 day of August 1900.

John E Butler NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA, INDIAN TERRITORY.

Northern District.

I, Jane Markew, a midwife, on oath state that I attended on Mrs. Belle Ketchum, wife of Thos E Ketchum, on the 31 day of March 1900; that there was born to her on said date a male child; that said child is now living and is said to have been named Jas Hyman Ketchum.

WITNESSES TO MAKE: Jane Markew

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 day of Sep 1900

John E Butler NOTARY PUBLIC

J-
IN RE

Application for Enrollment of

INFANT CHILD

Lidia N. Ketchum
as a citizen of the
United States Nation.

Approved: **OCT 3 - 1900** 190

W. M. ...
Commissioner.

Dec 26

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 3 1900

Bel'hard ...

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE Application for Enrollment, as a citizen of the *Cherokee* Nation,
of *Judith Ketchum*, born on the *27* day of *March*, 1897
Name of Father: *Thomas E. Ketchum*, a citizen of the *Cherokee* Nation.
Name of Mother: *Belle Ketchum*, a citizen of the *Cherokee* Nation.
Post-office: *...*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, *Belle Ketchum*, on oath state that I am *35*
years of age and a citizen, by *adoption* of the *Cherokee* Nation;
that I am the lawful wife of *Thomas E. Ketchum*, who is a citizen, by
admission of the *Cherokee* Nation; that a *Female* child was
born to me on the *27* day of *March* 1897, that said child has been
named *Judith Ketchum*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this *28* day of *Sept* 1900.
John E. Dutton
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, *Nancy A. Thompson* Midwife, on oath state that I
attended on Mrs. *Belle Ketchum* wife of *Thomas E. Ketchum*
on the *27* day of *March* 1897; that there was born to her on
said date a *Female* child; that said child is now living and is said to have been
named *Judith Ketchum*.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me, this *28* day of *Sept* 1900.
John E. Dutton
NOTARY PUBLIC

1524

13

[Faint handwritten signature]

Delaware #26.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.

In the matter of the application of THOMAS E. KETCHUM, for the enrollment of himself and children, Eva A., William T., Ludie E. and James W. Ketchum, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Thomas E. Ketchum, as Thomas S. Ketchum, No. 544.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

L. R. Buckner
COMMISSIONER.

Cher 10420

John H. Stephenson

Trans. from Del. # 27

(Old Series)

Cher 10420

Del 27, 4

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVIL TRIBES
FILED
SEP 2 1900

Department of the Interior,
Washington, D.C., January 15, 1900.

Dear Sir:
I have your letter of the 10th inst. regarding the enrollment of your wife, Mrs. [Name], in the Cherokee Nation. The roll for 1880 is now closed, and no further changes can be made. However, your wife's name is on the roll of 1886, and she is entitled to the same benefits as those on that roll. I have enclosed herewith a copy of the roll for 1886, and a copy of the certificate of her enrollment. You may wish to have a copy of the roll for 1880, which I have also enclosed. The roll for 1880 is now closed, and no further changes can be made. However, your wife's name is on the roll of 1886, and she is entitled to the same benefits as those on that roll. I have enclosed herewith a copy of the roll for 1886, and a copy of the certificate of her enrollment. You may wish to have a copy of the roll for 1880, which I have also enclosed.

Yours very truly,
[Signature]

(For further information on 1880 roll, see 317, p. 2468, January Stearns, Delaware; also on 1886 roll, page 224, p. 78, John H. Stearns, Delaware; also on 1880 roll, page 256, p. 2444, John H. Smith, Delaware.)

Q. Your wife's name is on the roll of 1886, is it not?
A. Yes, it is.
Q. Is her name on the roll of 1880?
A. No, it is not.
Q. How old is she?
A. She is 14.
Q. How long has she lived in the Cherokee Nation?
A. She has lived there since 1886.
Q. How long has she lived in the Cherokee Nation?
A. She has lived there since 1886.
Q. How long has she lived in the Cherokee Nation?
A. She has lived there since 1886.

My client's name is on the roll of 1886, and his wife. He is identified on the roll of 1880 and 1886 as a Delaware. He has lived in the Cherokee Nation for 14 years, and he will be listed for enrollment as a Delaware. His wife is identified on the roll of 1886, she is too young to be upon the roll of 1880, she has lived in the Cherokee Nation all her life, she too is a Delaware, her change of name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as a

John Henry Stephenson - 2.

Cherokee-Delaware.

James B. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

James B. Jones

Sworn to and subscribed before me this the 25th of September, 1900.

A. H. Jones

Commissioner.

73
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 25, 1900

[Faint handwritten signature]

100-11

DELAWARE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 25 1900

1 27 Name Tom H. Stephenson

District DEL Year 1866 Page 317 No. 2403

Citizen by blood *dear a wife* Mother's citizenship Andrew Stephenson - - d
Intermarried citizen Mary G - del - l

Married under what law Date of marriage

License Certificate
2 Wife's name Rosa L. Stephenson

District Year 1866 Page 256 No. 4434

Citizen by blood *del 1/4* Mother's citizenship Mrs Smith - C - l
Intermarried citizen Sarah " - del - l

Married under what law Date of marriage *March 1900*

License *Filed* SEP 25 1900 Certificate *Filed* SEP 25 1900

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

1 On 1866 Roll as *San Henry Stephens*
2 " 1866 " " *Rosa L. Smith*
marriage record

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 6 1900

20047

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the day of April 1900, at _____ M., and duly recorded in Book D Marriage Record, Page 345

WITNESS my hand and seal of said Court at Muskogee, in said Territory this 1 day of April A. D. 1900

CHAS. A. DAVIDSON,
Clerk, U. S. Courts.

By

[Signature] Clerk.
Deputy.

INDIAN TERRITORY
APR 6 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
APR 11 1900
SEP 24 1900

20029

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the day of April 1900 at M., and duly recorded in Book D, Marriage Record, Page 345.

WITNESS my hand and seal of said Court at Muskogee, in said Territory this 7 day of April A. D. 1900

CHAS. A. DAVIDSON,
Clerk, U. S. Courts.

By

[Signature]
Deputy

NOR.
IND. TER.
APR 6 1900

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the

day of April 1900 at M., and duly recorded in
Book Marriage Record, Page 345

WITNESS my hand and seal of said Court at Muskogee, in said Territory

this day of April A. D. 1900

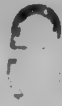
 Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 27 1900

21027

NCR
IND. TER.



APR 6 1900

CHAS. A. DAVIDSON,
Clerk, U. S. Courts.

MARRIAGE LICENSE



United States of America,
INDIAN TERRITORY,
Northern District.

No. 531

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the
Banns of Matrimony between Mr. *Joseph N. Stephenson*
of *Vinita* in the Indian Territory, aged *26* years, and
Miss *Rosa Smith* of *Vinita* in the
Indian Territory, aged *18* years, according to law, and do you officially sign and return this
License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this *5th* day of
March, A. D. 1900
Chas. Davidson
Clerk of the U. S. Court.
By *D. L. Chandler* Deputy.

CERTIFICATE OF MARRIAGE.



United States of America,
INDIAN TERRITORY,
Northern District.

J. R. Sherman Mayor of *Vinita*
DO HEREBY CERTIFY, that on the *5th* day of *Mar.*, A. D. 1900,
I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish
the Banns of Matrimony between the parties therein named

WITNESS my hand this *5th* day of *Mar.*, A. D. 1900
My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book

Page

J. R. Sherman
Mayor of *Vinita*

NOTE— This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Northern District, Indian Territory from a hence it was issued within sixty days from the date thereof or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (See on)

Mary Ann Stephenson

IN RE

Application for Enrollment of
INFANT CHILD

Mary Ann Stephenson

as a citizen of.

CHEROKEE NATION.

Approved **MAR 22 1901** 190

C. R. Bucknidge

Commissioner.

For Sale by Leader Printing Co., Vinita.

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 22 1901

Mary Ann Stephenson
CHEROKEE NATION

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Mary Ann Stephenson, born on the 27 day of Feb, 1901. Name of Father: John Henry Stephenson a citizen of the Cherokee Nation. Name of Mother: Rosa L Stephenson a citizen of the Cherokee Nation. Post-office, Ketchum

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, Rosa L Stephenson, on oath state that I am Eighteen years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of John Henry Stephenson, who is a citizen, by Blood, of the Cherokee Nation, that a Female child was born to me on the 27th day of February 1901; that said child has been named Mary Ann, and is now living.

WITNESSES TO MAKE: Rosa L Stephenson (Must be two Witnesses)

Subscribed and sworn to before me this 16 day of March 1901. J. D. Sexton NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, Mary Ann Tibalaw Midwife, on oath state that I attended on Mrs. Rosa L Stephenson wife of John Henry Stephenson on the 27 day of Feb, 1901; that there was born to her on said date a Female child; that said child is now living and is said to have been named Mary Ann.

WITNESSES TO MAKE: Mary Ann Tibalaw (Must be two Witnesses) John H Stephenson, Jennie Stephenson

Subscribed and sworn to before me this 16 day of March 1901. J. D. Sexton NOTARY PUBLIC.

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

In the matter of the application of Mary A. Tiblow, et al. for enrollment as citizens of the Cherokee Nation of Delaware blood, consolidating the applications of,

| | | |
|-------------------------------|----------|-----|
| Mary A. Tiblow, | Delaware | 8; |
| Mary T. Stephenson, | Delaware | 6; |
| Rosanna S. Connor, et al., | Delaware | 9; |
| Fannie F. Stephenson, et al., | Delaware | 10; |
| Mary A. Gallman, et al., | Delaware | 12; |
| John H. Stephenson, et al., | Delaware | 27; |
| Frances O. Brown, et al., | Delaware | 50. |

D E C I S I O N .

The record in these cases shows that on September 21, 1900, Mary A. Tiblow appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 20, 1900, Mary T. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood. On December 7, 1903, an affidavit was filed with the Commission showing the death of said Mary T. Stephenson on February 6, 1901, which affidavit is made part of this record:

That on September 21, 1900, Rosanna S. Connor appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Mamie G. and Oliver A. Connor, as citizens of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 21, 1900, Fannie F. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Freddie and Walter Stephenson, as citizens of the Cherokee Nation of Delaware blood:

That on September 21, 1900, Mary A. Gallman appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Claud M., Rubie A., and Henrietta Gallman, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Mary A. Gallman, but he is differently classified and is not embraced in this decision:

That on September 25, 1900, John H. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his wife, Rosa L. Stephenson, as citizens of the Cherokee Nation of Delaware blood. On March 22, 1901, a birth affidavit was filed for Mary A. Stephenson, a child

of said John H. and Ross E. Stephenson born since the date of this application. As Ross E. Stephenson is the daughter of a registered Delaware, he and her child, Mary A., may have a different status, and as their rights are separately considered they are not embraced in this decision.

That on October 1, 1900, Frances O. Brown appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Daniel H., John J., Cora E. and Effie L. Brown, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Frances O. Brown, but he is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903.

The evidence shows that Mary A. Tiblow is of Delaware blood; that Mary T. Stephenson and Frances O. Brown are adult children of said Mary A. Tiblow, and that Rosanna S. Connor, Fannie F. Stephenson, Mary A. Callman and John H. Stephenson are adult children of said Mary T. Stephenson.

Rosanna S. Connor was married to Silas H. Connor, a white man, now deceased, in 1884, and Fannie F. and Oliver A. Connor are the issue of that marriage. Freddie and Walter Stephenson are the other children of Fannie F. Stephenson. Mary A. Callman was married to Jesse W. Callman, a white man, in 1869, and Claud M., Mable A. and Henrietta Callman are the issue of that marriage.

Frances O. Brown was married to John A. Brown, a white man, in 1872, and Daniel H., John J., Cora E. and Effie L. Brown are the issue of that marriage.

All the adult applicants are identified on the Cherokee authenticated tribal roll of 1900, and all the applicants, excepting Walter and Henrietta Stephenson, are identified on the Cherokee Census roll of 1896. Walter and Henrietta Stephenson are identified by birth affidavits made a part of this record.

It further appears that the residence of Mary A. Tiblow, Rosanna S. Connor, Mary A. Callman and John H. Stephenson has been in the Cherokee Nation since 1860, and that Fannie F. Stephenson was born and has resided in said Nation all her life. The residence of the minor applicants herein is considered to be that of their parents.

The evidence further shows that Mary A. Tiblow, and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved November 30, 1875, and that Mary T. Stephenson, and Rosanna S. Connor under the name of Rosanna Stephenson, were admitted to citizenship by an Act of the Cherokee National Council approved December 5, 1878. Each of said Acts provides that the applicants pay into the Cherokee treasury the sum of \$254.00 each, which was the per capita amount paid by the Delawares under the agreement of April 8, 1867, between the Cherokee Nation and the Delaware tribe of Indians.

There is no record evidence of the payment of such sums into the Cherokee treasury. The agreement of April 8, 1867 provides that,

"The Cherokees, parties of the first part, for and in consideration of certain payments, and the fulfillment of certain conditions hereinafter mentioned, agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 95 west longitude, in the

aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon a certain register made February 18, 1867, by the Delaware agent, and on file in the office of Indian affairs, being the list of the Delawares who elect to remove to the 'Indian country' to which list may be added, only with the consent of the Delaware Council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto;

"and in case the Cherokee lands shall hereafter be allotted among the members of said Nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 160 acres for each individual) shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation."

"On the fulfillment by the Delawares of the foregoing stipulations, all the members of the tribe, registered as above provided, shall become members of the Cherokee Nation, with the same rights and immunities, and the same participation (and no other) in the national lands, as Native Cherokees, save as hereinbefore provided."

It is the opinion of this Commission that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rebecca S. Connor acquired under the Acts of the Cherokee National Council, above referred to, all the rights and privileges of Cherokee citizenship; that the children born to them subsequent to the date of their admission take the status of their parents, and that, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 26, 1898 (30 Stats., 496), the said Mary A. Tiblow, Rebecca S. Connor, Mamie O. Connor, Oliver A. Connor, Fannie F. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Callman, Claud V. Callman, Rubie A. Callman, Henrietta Callman, John H. Stephenson, Frances O. Brown, Daniel A. Brown, Jenn T. Brown, Cora B. Brown and Effie L. Brown should be enrolled as citizens of the Cherokee Nation, with all the rights of Cherokees by blood, and it is, therefore, so ordered.

It is further ordered by the Commission that the application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, should be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. H. Needles
Commissioner.

(Signed) C. H. Breckinridge
Commissioner.

Muskogee, Indian Territory,

May 18 1904.

Tahlequah, I. T. May 27th 1904.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

You are hereby advised that the Cherokee Nation does not desire to file a protest against the decision of the Commission of date May 16th 1904 in the matter of the application of Mary A. Tiblow et al for enrollment as citizens of the Cherokee Nation of Delaware blood consolidating the applications of,

| | | |
|----------------------------|----------|-------|
| Mary A. Tiblow ----- | Delaware | \$0. |
| Mary T. Stephenson | Del. | \$3. |
| Rosema S. Comar et al | Del. | \$0. |
| Fannie Y. Stephenson et al | Del. | \$10. |
| Mary A. Galloway et al | Del. | \$18. |
| John H. Stephenson et al | Del. | \$27. |
| Frances O. Brown et al | Del. | \$30. |

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 10420

Muskogee, Indian Territory, June 7, 1904.

John H. Stephenson,
Ketchum, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the Commission's decision dated May 16, 1904, granting, among others, your application for the enrollment of yourself as a citizen of the Cherokee Nation of Delaware blood.

Respectfully,

Encl. V-8.
Register.

Chairman,

COPY.

Muskogee, Indian Territory, January 10, 1906

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Mary A. Tiblow, et al., as citizens of the Cherokee Nation of Delaware blood, including the Commission's decision dated May 15, 1904, granting said applications; also the motion of Mary A. Tiblow, et al., to re-open said case as to them and modify the judgment heretofore rendered and render a judgment, according to each of them as citizens of the Cherokee Nation, all the rights of registered Delawares, together with the Commission's decision dated January 7, 1905, denying said motion.

Respectfully,

James Bixby.

Chairman.

Encl. OG-79.

(Copy)

Refer in reply to
the following:

Land,
3404-1905,
18,069-1905.

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

March 23, 1906.

The Honorable

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 10, 1905, transmitting the record relative to the application of Mary A. Tiblow, et al., for enrollment as citizens of the Cherokee Nation, of Delaware blood; also motion of Mary A. Tiblow, et al., to reopen said cause and modify the judgment of the Commission rendered in said case and render a judgment according to each of them, as citizens of the Cherokee Nation, all rights of registered Delawares, together with the Commission's decision of January 7, 1905, denying the motion.

There is also enclosed a communication from W. H. Korzogay, Attorney for the applicants, transmitting brief on behalf of the applicants in this case and certain other applicants mentioned in his brief and in his communication.

The parties to this case are as follows: Mary A. Tiblow, Mary T. Stephenson, Eugene S. Connor, Annie S., Oliver A. Connor, Dannie F. Stephenson, Freddie and Walter Stephenson, Mary A. Callman, Glad H., Mabel A., and Henrietta Callman, John H.

Stephenson, Rosa L. Stephenson, Mary A. Stephenson, Frances O Brown, Daniel R., John J., Cora B., and Effie L. Brown. Certain other persons were also applicants as intermarried citizens, but as they are differently classed, they are not included in the Commission's decision. Mary A. Stephenson, child of John R., and Rosa L. Stephenson, was born since the date of the application. Rosa L. Stephenson is the daughter of a registered Delaware and as she and her child have a different status, their rights were separately considered by the Commission, and they are not included in its decision of May 16, 1904.

Mary Ann Tibloe (Tiblow) and others were admitted to citizenship in the Cherokee Nation by act of the National Council approved November 30, 1875. The act is as follows:

Be it enacted by the National Council that Mary Ann Tibloe, wife, and R.V.C. Tibloe, son and Francis O. Brown, daughter, of Henry Tiblow, a Delaware Indian, and a citizen of the Cherokee Nation, be, and they are hereby admitted to citizenship in the Cherokee Nation; Provided, that the said Mary Ann Tibloe and R.V.C. Tibloe and Francis O. Brown first pay into the Treasury of the Cherokee Nation the sum of Two Hundred and Eighty-five Dollars each.

It will be observed that the act provides that each applicant shall pay into the Treasury of the Cherokee Nation the sum of \$285 before any rights vest under the act. There is no record evidence of the payment of said sums into the Treasury of the Cherokee Nation.

The Commission found that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rebecca S. Conner were, under the act above above quoted, entitled to all the rights and privileges of Cherokee

citizenship; that children born to them subsequent to the date of their admission take the status of their parents, and that in accordance with the existing law, Mary A. Tibble, Rosanna E. Conner, Mamie G. Conner, Oliver A. Conner, Fannie F. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Gallman, Claud E. Gallman, Rubie A. Gallman, Henrietta Gallman, John E. Stephenson, Frances G. Brown, Daniel E. Brown, John J. Brown, Cora E. Brown and Effie L. Brown were entitled to enrollment, as citizens of the Cherokee Nation, with all the rights of Cherokees by blood. The application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, was dismissed.

On December 7, 1903, an affidavit was filed with the Commission which shows that Mary T. Stephenson died February 6, 1901. The affidavit is a part of the record in the case. The applicants admitted by the Council in 1875 claim that they are entitled to enrollment as citizens of the Cherokee Nation of Delaware blood, and that they are entitled to the same rights as registered Delawares. That their contention and the contention of their Attorney is erroneous, is too evident to admit of discussion. The Supreme Court of the United States in the case of Delaware Indians versus Cherokee Nation, (U.S. Reports 193, page 127), briefly stated, held that the registered Delawares living at the time of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made, share equally with Cherokees in the remainder of the Cherokee landed estate. Furthermore the Comptroller of the Treasury in an opinion of March 1, 1903, with

reference to whether what are known as Kansas Indians, that is Delaware Indians admitted by the Cherokee Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867, are entitled to share in the \$150,000 appropriated for the Delaware by Act of April 21, 1904, (33 Stats., 222), said:

From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1868, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum.

In view of the holding of the Supreme Court, and considering the opinion of the Comptroller of the Treasury, just referred to, I am firmly convinced that the action of the Commission declaring the persons above named entitled to enrollment, with all rights of native Cherokees, is correct, and its approval is recommended.

There are several other cases similar to the one now transmitted pending before this Office, and in transmitting said cases this report will be referred to.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

(G. A. V.) P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

V.C.P.

L13

D. C. 17398-1905
I.T.D. 2022-1905.
LRS.

March 31, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Settlement:

On January 10, 1905, you transmitted the record relative to the application of Mary A. Tibble et al. for enrollment as citizens of the Cherokee Nation of Delaware blood; also a motion to reopen said case and modify the judgment of your Commission rendered May 16, 1904, so that said judgment may entitle the applicants to all the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

It appears that Mary A. Tibble and Frances G. Brown were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved November 30, 1876; that Mary T. Stephenson and Rosanna S. Connor, under the name of Rosanne Stephenson, were admitted to citizenship by an act of the Cherokee National Council approved December 5, 1876. Each of said acts provides that the applicant pay into the Cherokee Treasury the sum of \$254 each. You state in your decision that there is no record evidence of the payment of such sums into the Cherokee treasury.

It also appears that all of the adult applicants are identified on the Cherokee authenticated tribal roll of 1880, and all of the applicants excepting Walter and Henrietta Stephenson

are identified on the Cherokee census roll of 1896, said Walter and Henrietta Stephenson are identified by birth affidavits.

May 16, 1904, you held that the applicants in this case are entitled to enrollment as citizens of the Cherokee Nation.

Subsequent to your decision a brief was filed on behalf of the applicants requesting that your Commission modify its decision so that said decision would entitle the applicants to the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

On January 7, 1905, you denied said request.

Transmitting your report March 24, 1905, the Acting Commissioner of Indian Affairs also transmitted a communication from the attorney for the applicants and brief filed by him on behalf of the applicants in this case and certain other applicants mentioned in said brief.

The Acting Commissioner invites the attention of the Department to the decision of the Supreme Court of the United States in the case of "Delaware Indians vs. Cherokee Nation," in which it was held that the registered Delawares living at the date of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made share equally with the Cherokees in the remainder of the Cherokee Landed estate. He also invites attention to the opinion of the Comptroller of the Treasury rendered March 1, 1905, relative to the right of Delaware Indians admitted by the Cherokee

Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867 to share in the \$150,000 appropriated for the Delawares by act of April 21, 1904 (35 Stat., 222), and quotes from said opinion the following:

"From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1868, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum."

The Acting Commissioner recommends that your decision be approved. A copy of his letter is inclosed.

Under the opinion of the Comptroller of the Treasury above cited, it is clear that the applicants are not entitled to the rights of registered Delawares. Your decision is therefore approved.

Respectfully,

1 inclosure.

(Signed, E. A. Hitchcock,
Secretary.

Cher 10421

Jacob Secondine

Trans. from Del. # 28

(Old Series)

Cher 10421

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VIENNA, I.T., SEPTEMBER 25, 1900.

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In the matter of the application of Jacob Secondine for enrollment as a citizen of the Cherokee Nation of Delaware blood; said Secondine being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Jacob Secondine.
How old are you? A 24.
What is your post office? A White Oak.
What district do you live in? A Coowe-scoowee.
Who is it you want to have put on the roll? Just myself.
You Cherokee by blood? A Delaware blood.
What proportion of Delaware blood are you? A Full blood.
How long have you lived in the Cherokee Nation? A 24 years.
All your life? A Yes, sir.
What district were you in in 1880? A Cooweescoowee district.
What district in 1880? A Cooweescoowee.
What is the name of your father? A Thomas Secondine.
Dead or alive? A Alive.
Your mother's name? A Jane.
Dead or alive? A Dead.
How long has she been dead? A Died in 1886.

1880 enrollment; page 174, 6222, Jacob Secondine, Cooweescoowee.

1896 enrollment; page 306, 6222, Jacob Secondine, Cooweescoowee

Gen'r Breckinridge:--The applicant is identified on the rolls of 1880 and 1896 as an adopted Delaware. He has lived in the Cherokee

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 25, 1900.

in the matter of the application of Jacob Secondine for enrollment as a citizen of the Cherokee Nation of Delaware blood; said Secondine being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Jacob Secondine.
How old are you? A 24.
What is your post office? A White Oak.
What district do you live in? A Cooweescoowee.
Who is it you want to have put on the roll? A Just myself.
You Cherokee by blood? A Delaware blood.
What proportion of Delaware blood are you? A Full blood.
How long have you lived in the Cherokee Nation? A 24 years.
All your life? A Yes, sir.
What district were you in in 1880? A Cooweescoowee district.
What district in 1896? A Cooweescoowee.
What is the name of your father? A Thomas Secondine.
Dead or alive? A Alive.
Your mother's name? A Jane.
Dead or alive? A Dead.
How long has she been dead? A Died in 1889.

1880 enrollment; page 174, #2628, Jacob Secondine, Cooweescoowee.

1896 enrollment; page 385, #632, Jacob Secondine, Cooweescoowee

Com'r Breckinridge:--The applicant is identified on the rolls of 1880 and 1896 as an adopted Delaware. He has lived in the Cherokee Nation all his life and he will be listed now for enrollment as an adopted Delaware.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 25th day of September, 1900.

C. R. Breckinridge

Commissioner.

Del 28 B

DEPARTMENT OF REFORMATION
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1888

11

CHEROKEES BY BLOOD AND ADOPTION.

Name *24 Jacob Secondine* Date *SEP 25 1900* *White Oak, N.C.* 1900.
 District *COOWEESCOOWEE* Year *173* Page *174* No. *2628*
 Citizen by blood *Delaware Full* Mother's citizenship *Thos. Secondine del - C*
 Intermarried citizen *No* *Jane* *del - C*
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

Wife's name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|-------|-------|-------|-------|
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** 28*

Cher 10422

Alfred F. Hicks

Trans. from Del. # 29

(Old Series)

Cher 10422

... stenographic notes there

(Signed) ...

(Witness) ...

Notary Public.

COMMISSION TO THE
DEPARTMENT OF THE INTERIOR

NOV 30 1901

FBI (HEAD)



MADE IN U.S.A.

Notary Public.

Handwritten: ...

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 28th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Hicks and children
for enrollment as citizens of the Cherokee Nation, and he being
sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Francis Hicks.
Q What is your age? A Forty-three.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation?
A By adoption.
Q By intermarriage you mean? A Yes, sir.
Q For whom do you apply for enrollment? A Myself and family.
Q Your wife? A My wife is a Delaware.
Q And children? A Yes, sir.
Q What was your wife's name before she was married? A Lucinda O.
Miller.
Q What is her age? A Born in 1866. Thirty four years old I suppose.
Q When were you married? A In 1885.
Q Have you a certificate of marriage? A I have the preacher's
statement here.

The applicant presents a certificate of marriage, certifying
that he was married on the 1st day of February, 1885, to one,
Lucinda Miller, by William Adams, a minister of the Gospel.

- Q What is the name of your wife's father? A Andrew Miller.
Q Is he living? A No, sir.
Q What is the name of her mother? A Sallie Miller.
Q Is she living? A No, sir.
Q Do you claim to be a white man? A No, sir; I am a Wyandotte.
Q What are the names of your children? A Alfred P.
Q How old is he? A Ten years old.
Q What is the name of the next one? A Earnest.
Q How old is Earnest? A Seven years old.
Q Next one? A Esther B.
Q How old is she? A Four weeks old.

The applicant presents satisfactory proof of birth as to his
youngest child, Esther B.

- Q Are these children all living and living with you? A Yes, sir.
Q How long have you been living in the Cherokee Nation?
A I came here in 1879, and married in 1885.
Q Have you been living here ever since? A Yes, sir.
Q Your wife also? A Yes, sir.

(1880 roll, page 159, #1871, Lucinda Miller, Cooweescoowee D'tst)
(1886 roll, page 371, #303, Frank Hicks, Cooweescoowee D'tst)
(1886 roll, page 371, #304, Lucinda O. Hicks, Cooweescoowee D'tst)
(1886 roll, page 371, #305, Alfred P. Hicks, Cooweescoowee D'tst)
(1886 roll, page 371, #307, Earnest Hicks, Cooweescoowee D'tst)

By Mr. W. W. Hastings, Cherokee Representative:

- Q Where did you live in 1885? A Here in Cooweescoowee.
Q How long have you been living here? A I came here in 1879.

By the Commission:

The name of Francis Hicks appears upon the census roll of 1886,
and he presents proof of his marriage, more particularly described
in the testimony, certifying that he was married to one, Lucinda
O. Miller, a Cherokee citizen by blood, in 1885. The name of Lucinda
O. Miller appears upon the authenticated roll of 1880 as Lucinda
Miller; also upon the census roll of 1886, as Lucinda O. Hicks, her
present name. The names of his children, Alfred P. and Earnest
appear upon the census roll of 1886, and he presents satisfactory
proof of birth as to his youngest child, Esther B., they being duly
identified according to the page and number of the rolls as indi-
cated in the testimony, the said Lucinda O. Hicks, and her children,

as enumerated herein will be duly listed for enrollment as Cherokee citizens of Delaware blood.

The said Francis Hicks cites in his application for citizenship as an intermarried Cherokee, Section 870, page 334, of the Revised Laws of the Cherokee Nation; revised in 1892.

Final judgment as to the enrollment of the said Francis Hicks as a Cherokee citizen by intermarriage will be suspended, and his name will be placed upon a doubtful card, the testimony showing that he obtained no marriage license.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Gravens.

Subscribed and sworn to before me this 28th day of September, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of November, 1901.

M. D. Green
Notary Public.

Dec 29 73

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 26 1908

[Faint handwritten signature]

CHEROKEES BY BLOOD AND ADOPTION.

SEP 26 1900

Date

Yinta 95

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Lucinda O. Hecks

District

COOWEESCOOWEE

Year

1880

Page

139

No.

1871

Citizen by blood

yes

Adopted

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

*Alfred 4 Hecks
Earnest
" " "
" " "
" " "
" " "
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| Dist. | Year | Page | No. | Age |
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| <i>COOWEESCOOWEE</i> | <i>1896</i> | <i>371</i> | <i>205</i> | <i>10</i> |
| <i>COOWEESCOOWEE</i> | <i>1896</i> | <i>371</i> | <i>306</i> | <i>7</i> |
| <i>COOWEESCOOWEE</i> | <i>---</i> | <i>---</i> | <i>---</i> | <i>1 mo</i> |
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| Dist. | Year | Page | No. | Age |

*In 1880 call as Lucinda Miller
wife of Francis Hecks a Wyandott Indian
4 affidavits supplied*

Yinta

Dec 29 1900

IN RE

Application for Enrollment of

INFANT CHILD

Esther Hicks

as a citizen of the

Cherokee Nation.

Approved *Sept 26* 1900

[Signature]
Commissioner.

Del Card No 29

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

Application for Enrollment, as a citizen of the Cherokee Nation,
Esther B. Hicks, born on the 21 day of August, 1900
(Name of child.)
Name of Father: Frank Hicks, a citizen of the Cherokee Nation.
Name of Mother: Lucinda O. Hicks, a citizen of the Cherokee Nation.
Post-office Vinita - I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Lucinda O. Hicks, on oath state that I am 34
years of age and a citizen, by admission Belawan Treaty of the Cherokee Nation;
that I am the lawful wife of Frank Hicks, who is a citizen, by
adoption of the Cherokee Nation; that a Female child was
(male or female)
born to me on the 21 day of August, 1900; that said child has been
named Esther B. Hicks, and is now living.

WITNESSES TO MAKE:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 25th day of Sept, 1900
Jno E. Bullen
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, A. M. Chickadee, Physician, on oath state that I
attended on Mrs. Lucinda O. Hicks, wife of Frank Hicks,
on the 21 day of August, 1900, that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Esther B. Hicks.

WITNESSES TO MAKE:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 24 day of Sept, 1900
Jno E. Bullen
NOTARY PUBLIC

Feb 29

17 L. H. 124
FEB 18 1904

CHAS. H. ...

CHAS. H. ...

1904

JHR

Delaware #29.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.


In the matter of the application of LUCINDA O. HICKS, for the enrollment of herself and children, Alfred F., Earnest and Esther B. Hicks, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Lucinda O. Hicks, as Lucinda Miller, No. 899.

It is ordered that copies of this statement be filed with and made a part of the record in this case.


Commissioner.

RP

92 # 10422

IN RE
THE DEATH

Letter B. Higginson
a citizen of the

Shenandoah County

Approved _____ 1901

Commissioner

COMMISSIONER TO

FILED
1904

[Faint handwritten notes and signatures on the right side of the page]

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Ethar B. Hicks (Here insert name of deceased)
a citizen of the Cherokee Nation, who formerly resided at or near
Coodys Bluff Ind. Ter., and died on the 10th day of
September 1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

North District

I, Francis Hicks, on oath state that I am 47
years of age and a citizen, by adoption of the Cherokee Nation;
that my post office address is Coodys Bluff Ind. Ter.; that I am
father of Ethar B. Hicks
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased)
who was a citizen, by Hood of the Cherokee Nation;

and that said Ethar B. Hicks died on the 10th day of
September 1902
Francis Hicks

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 8th day of September 1904
My Commission Expires Sept. 21, 1906
W. B. Murphy
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

North District

I, Charles Seordine, on oath state that I am 24
years of age and a citizen, by Hood of the Cherokee Nation;
that my post office address is Coodys Bluff Ind. Ter.;
that I was personally acquainted with Ethar B. Hicks
(Here insert name of deceased)
who was a citizen by Hood of the Cherokee Nation;
and that said Ethar B. Hicks died on the 10th day of
September 1902
Charles Seordine

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 8th day of September 1904
My Commission Expires Sept. 21, 1906
W. B. Murphy
Notary Public.

Cher 10423

Sanford Haff

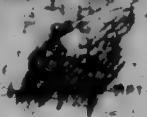
Trans. from Del. # 31

(Old Series)

Cher 10423

100-3105

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE TIME OF THE TRADES
F. F. B. B.
SEP 23 1908



UNITED STATES DEPARTMENT OF THE INTERIOR
COMMISSION TO THE TIME OF THE TRADES
F. F. B. B.
SEP 23 1908

UNITED STATES DEPARTMENT OF THE INTERIOR
COMMISSION TO THE TIME OF THE TRADES
F. F. B. B.
SEP 23 1908

UNITED STATES DEPARTMENT OF THE INTERIOR
COMMISSION TO THE TIME OF THE TRADES
F. F. B. B.
SEP 23 1908

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 26th, 1900.

IN THE MATTER OF THE APPLICATION OF William Haff, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A William Haff.
Q What is your age? A Thirty eight.
Q What is your Postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q A Cherokee by blood? A No sir; Delaware.
Q What do you desire to enroll? A Myself, wife and children.
Q What is the name of your wife? A Maggie Haff.
Q Is she a citizen by blood? A No sir; she is a white lady.
Q What was her name before you married her? A Maggie Moller.
Q When did you marry her? A In 1891.
Q Have you a certificate of marriage? A No sir; I have witnesses here: Tom Buffington married me.
Q What are the names of your children? A Sanford Haff.
Q How old is Sanford? A Seven years old.
Q What is the name of the next one? A Ray.
Q How old is Ray? A Three years old.
Q What is the name of the next one? A Sarah Jane.
Q How old is Sarah Jane? A One year old in August.
Q Have you any proof of birth as to these two younger children?
A Yes sir.

Applicant presents satisfactory proof of birth as to the birth of his two children, Ray and Sarah Jane, whose names do not appear upon the census rolls of 1896.

- Q Are these children living and living with you at this time?
Q Yes sir.
Q Have you lived in the Cherokee Nation continuously since 1890?
A Yes sir.

(1880 Roll, Page 267, #1264, William Haff, Delaware D't)
(1896 Roll, Page 621, #21, William Haff, Delaware D't)
(1896 Roll, Page 567, #268, Maggie Haff, Delaware D't)
(1896 Roll, Page 621, #22, Sanford Haff, Delaware D't)

The name of William Haff appears upon the authenticated roll of 1880, as well as the census roll of 1896: He avers that he was married to one, Maggie Moller, a non citizen, in 1891, but presents no certificate of marriage.

The name of his child Sanford is found upon the census roll of 1896, and he presents satisfactory proof of birth as to his two younger children, Ray and Sarah Jane, born after the rolls of 1896 were compiled: He and his family being duly identified according to the page and number of the rolls, as indicated in the testimony, and having made satisfactory proof of residence, the said William Haff, and his children, ~~as well as~~ Sanford, Ray and Sarah Jane will be duly listed for enrollment as Cherokee citizens of Delaware blood, and his wife, Maggie as a Cherokee citizen by intermarriage.

It will be necessary, in order to complete the enrollment of his wife and children, that a satisfactory certificate of marriage be filed.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me
this 26th day of September, 1900.

[Signature]
P. P. Anderson

10317

DEPARTMENT OF THE INTERIOR
COMMISSION TO INVESTIGATE AND REPORT

FILED
SEP 2 1900

CHEROKEES BY BLOOD AND ADOPTION.

SEP 26 1900

1900.

Name *William Ball*

Date *Winta D. S.*

District *DELAWARE.*

Year *1880* Page *267* No. *1262*

Citizen by blood *yo'lu Delaware* Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

David Ball
Ray "
Harold "

| Dist. | Year | Page | No. | Age |
|------------------|-------------|------------|-----------|----------|
| <i>DELAWARE,</i> | <i>1896</i> | <i>671</i> | <i>22</i> | <i>7</i> |
| <i>DELAWARE,</i> | <i>—</i> | <i>—</i> | <i>—</i> | <i>3</i> |
| <i>DELAWARE,</i> | <i>—</i> | <i>—</i> | <i>—</i> | <i>1</i> |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

2 and 4 affidavits supplied

Certificate of marriage to be supplied

Dist. 30

IN RE

Application for Enrollment of

INFANT CHILD

Ray Hays

is a citizen of the

Cherokee Nation

1900

Address

[Signature]
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

WASHINGTON, D. C.
SEP 10 1900

Lab card No 31

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Roy Hoff, born on the 13 day of July, 1897. Name of Father: John Hoff, a citizen of the Cherokee Nation. Name of Mother: Maggie Hoff, a citizen of the Cherokee Nation. Post-office: Umata, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Maggie Hoff, on oath state that I am 24 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of New Hoff, who is a citizen, by Admission, of the Cherokee Nation; that a Male child was born to me on the 13th day of July, 1897 that said child has been named Roy Hoff, and is now living.

WITNESSED BY MARE: Maggie Hoff

(Must be Two Witnesses)

Subscribed and sworn to before me this 21 day of Sept., 1900.

Jno. C. Butler Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Carrie Barber, a Midwife, on oath state that I attended on Mrs. Maggie Hoff, wife of New Hoff, on the 13th day of July, 1897, that there was born to her an said date a Male child; that said child is now living and is said to have been named Roy Hoff.

WITNESSED BY MARE: Carrie Barber

(Must be Two Witnesses)

Subscribed and sworn to before me this 26 day of Sept. 1900

Jno. C. Butler Notary Public

10/27

IN RE

Application for Enrollment of

INFANT CHILD

Sarah Hoff

and citizen of the

Cherokee

Nation

Approved

1900

[Signature]

Commissioner

RECORDED
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
FILED
OCT 28 1900

Sub card 1031

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

(N RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Sarah J. Hoff, born on the 22 day of Aug, 1899
Name of Father: Max Hoff, a citizen of the Cherokee Nation.
Name of Mother: Maggie Hoff, a citizen of the Cherokee Nation.
Post-office: Vinita, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Maggie Hoff, on oath state that I am 24
years of age and a citizen, by Adoption of the Cherokee Nation;
that I am the lawful wife of Max Hoff, who is a citizen, by
Admission of the Cherokee Nation; that a Female child was
born to me on the 22 day of Aug, 1899; that said child has been
named Sarah J. Hoff, and is now living.

(Must be Two
Witnesses)

Maggie Hoff

Subscribed and sworn to before me this 21 day of Sept, 1900

Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Carrie Barber, a Midwife, on oath state that I
attended on Mrs. Maggie Hoff, wife of Max Hoff,
on the 22 day of August, 1899, that there was born to her on
said date a Female child; that said child is now living and is said to have been
named Sarah J. Hoff.

(Must be Two
Witnesses)

Carrie Barber

Subscribed and sworn to before me this 21 day of Sept, 1900

Notary Public

131

FEB 18 1904

JHR

Delaware #31.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.

In the matter of the application of WILLIAM HAFF, for the enrollment of himself, and children, Sanford, Ray, and Sarah J. Haff, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

William Haff, as William Haff, No. 948.

It is ordered that copies of this statement be filed with and made a part of the record in this Case.


Commissioner.

RP

Cher 10424

Ida M. Haines

Trans. from Del. # 33

(Old Series)

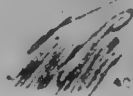
Cher 10424

Del. 33.4

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 28 1900



ACTING CHAIRMAN

DELAWARES

I, the undersigned, in application of Ida May Yost for the enrollment of her child as a citizen by DELAWARE BLOOD, do hereby certify that she is a native Delaware as testified by the rolls.

- Q What is the name of the child? A Ida May Yost.
- Q How old is she? A Six months.
- Q What district was she enrolled in? A Delaware.
- Q In what year was she enrolled? A 1899.
- Q What is the name of the father? A James D. Yost.
- Q What is the name of the mother? A Jannie.
- Q What is the name of the child's other parent? A I don't know.
- Q What district was she enrolled in? A Delaware.
- Q What is the name of the child's other parent? A Ethel May Yost.
- Q How old is that child? A Six months old.
- Q What is your name? A Yes sir.
- Q And you have never been enrolled? A No sir.
- Q What roll is she on? A 1894 Ida May Yost Delaware Dist, native Delaware.
- Q What roll is she on? A 1899 Ida May Yost Delaware District.

The undersigned certifies that the applicant applies for the enrollment of her child; she is identified on the rolls of 1890 and 1896 as a native Delaware; she has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a native Delaware.

The undersigned certifies that the child is her own child, though she has never been married; she has presented proper certificate of this child's birth; it also will be listed for enrollment as a native Delaware.

J. Green being first duly sworn, states that as stenographer to the Court in the above Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Green

subscribed and sworn to before me this 28 day of September 1900.

J. H. A. G.

Commissioner.

75.
DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF LANDS

FILED
SEP 11 1900

10/12

CHEROKEES BY BLOOD AND ADOPTION.

Date _____ 1900.

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name *Ida M. Yost* *Mitchum S. Yost*

District DELAWARE Year 1899 Page 345 No. 3/24

Citizen by blood Del. Mother's citizenship Del.

Intermarried citizen no no

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Names of Children: | Dist. | Year | Page | No. | Age |
|------------------------|-------|-------|-------|-------|--------------|
| <i>2 Ethel M. Yost</i> | _____ | _____ | _____ | _____ | <u>6 mos</u> |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |
| _____ | Dist. | Year | Page | No. | Age |

*1 on 1898 Roll as Ida May Yost,
2 affidavit to be supplied*

Roll # 113

IN RE

Application for Enrollment of

INFANT CHILD

Ethel M. York

as a citizen of the

Cherokee

Nation.

Approved _____ 1900

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
SEP 23 1900

[Handwritten mark]

Card = Del. 23

DEPARTMENT OF THE INTERIOR,

(COMMISSION TO THE FIVE CIVILIZED TRIBES)

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Ethel May Gost, born on the 17 day of March, 1900
(Here insert name of child.)
Name of Father: John Gost, a citizen of the _____ Nation.
Name of Mother: Eda Gost, a citizen of the Cherokee Nation.
Post-office Kitchman

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District.

I, Eda Gost, on oath state that I am Twenty five
years of age and a citizen, by blood, of the Cherokee Nation;
that I am the lawful wife of _____, who is a citizen, by
_____ of the _____ Nation; that a Female child was
(male or female)
born to me on the 17 day of March, 1900 that said child has been
named Ethel May, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 21 day of September 1900.

Jeff O. Sutton
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Northern District.

I, Katherine Gost, a Midwife, on oath state that I
attended on Mrs. Eda Gost, wife of _____,
on the 17 day of March, 1900, that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Ethel May.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 21 day of Sept 1900.

Jeff O. Sutton
NOTARY PUBLIC.

Del 33

Del 33

CERTIFICATE OF RECORD.

United States of America, |
INDIAN TERRITORY. | SS.
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian

Territory, do hereby certify that the instrument hereto attached was filed for record in my office the

NK
day of July 1901 at M. and duly recorded in
Marriage Record, Page 482

WITNESS my hand and seal of said Court at Mauda, in said Territory

this 16th day of July A. D. 1901
Charles A. Davidson Clerk.

By Deputy

NORTHERN DIST. IND. TERR.
FILED
JUL 13 1901
CHAS. A. DAVIDSON,
Clerk, U. S. Court.

CERTIFICATE OF RECORD.

United States of America, |

INDIAN TERRITORY,
Northern District.

ss.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the

Nth
K

day of

July

1901, at

M., and duly recorded in

Book

Marriage Record, Page 482

WITNESS my hand and seal of said Court at Vinita, in said Territory

this

16th day of July

A. D. 1901

Charles A. Davidson

Clerk

By

Deputy

CHAS. A. DAVIDSON, C. L.
Clerk, U. S. Court.
NORTHERN DIST., IND. TERR.
FILED
JUL 13 1901

Vol 53

Vol 53

Sioux Falls 33

MARRIAGE LICENSE



United States of America, }
INDIAN TERRITORY,
Northern District.

ss.

No. 63

To Any Person Authorized by Law to Solemnize Marriage--Greeting :

You are Hereby Commanded to solemnize the Rite and publish the
Banns of Matrimony between Mr. *Don Rainell*
of *Vinita*, in the Indian Territory, aged *21* years, and
Miss *Eda Fox* of *Vinita*, in the
Indian Territory, aged *20* years, according to law, and do you officially sign and return this
License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this *22* day of

June, A. D. 1901

By *A. H. Kyland*
Deputy.

Paul A. Davidson
Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.



United States of America, }
INDIAN TERRITORY,
Northern District.

ss.

I, *Ja Foster*, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the *23* day of *June*, A. D. 1901,
I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish
the Banns of Matrimony between the parties therein named.

WITNESS my hand this *4* day of *July*, A. D. 1901.
My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District.

Book *B*, Page *262*.

Ja Foster
A Minister of the Gospel.

NOTE--This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (\$100.00)

D 33

IN RE

Application for Enrollment of

INFANT CHILD

Walter Lee Jones

as a citizen of

Chicago

Nation.

Approved

[Handwritten signature]

Commissioner.

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Homer Lee Haines, born on the 28 day of April, 1909
(Here insert name of child)
Name of Father: Lon Haines a citizen of the United States Nation.
(See page)
Name of Mother: Ida May Haines a citizen of the Cherokee Nation.
Post-office Ketchum I.D.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Ida May Haines, on oath state that I am 37
years of age and a citizen, by Delaware blood of the Cherokee Nation;
that I am the lawful wife of Lon Haines, who is a citizen, by
of the United States Nation; that a male child was
(male or female)
born to me on 28 day of April, 1909, that said child has been
named Homer Lee Haines, and is now living.

WITNESSES TO SIGN:

(Must be Two
Witnesses)

Ida May Haines

Subscribed and sworn to before me this 9th day of June 1909

W. D. Sutton
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Catherine Gost, a midwife, on oath state that I
attended on Mrs. Ida May Haines, wife of Lon Haines
on the 28 day of April, 1909 that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Homer Lee Haines.

WITNESSES TO SIGN:

(Must be Two
Witnesses)

Catherine Gost

Subscribed and sworn to before me this 14th day of May 1909

M. D. Green
NOTARY PUBLIC

Washknee, Indian Territory, August 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letters of May 31, 1905 (I.T.D. 6186-1905), June 1, 1905 (I.T.D. 6240-1905), October 4, 1905 (I.T.D. 12228-1905), and January 12, 1906 (I.T.D. 110-1906), relative to striking from the approved roll of citizens of the Cherokee Nation the names of 286 persons who are shown to have died prior to September 1, 1902, there are inclosed herewith affidavits as to the death of certain of said persons. The number of the enrollment card on which these persons are listed, the number opposite which they appear on the approved partial roll of Cherokee citizens, and their names are as follows:

Cherokees by blood.

| Card No. | Roll No. | Name. |
|----------|----------|----------------------|
| 50 | 176 | John Widiffer |
| 72 | 237 | Frances T. Raulston |
| 88 | 22224 | Ellen May Duniphan |
| 121 | 309 | Houston L. Jones |
| 131 | 437 | Martin J. Jones |
| 134 | 446 | Hattie Ophelia Baker |
| 137 | 400 | Franklin R. Frasier |
| 2821 | 7079 | Anna Mays |
| 2824 | 7083 | Mary E. Dubeis |

Secretary--2.

| Card No. | Roll No. | Name. |
|----------|----------|--------------------------|
| 2829 | 7093 | William L. Rogers |
| 2852 | 7166 | Villie F. Gibson |
| 2881 | 7239 | Louisa F. Cunningham |
| 2881 | 7244 | Eula F. Cunningham |
| 2917 | 7315 | Eveline Lynn |
| 2964 | 7391 | Lennie Murphy |
| 2968 | 30033 | Ollie F. Melton |
| 3007 | 7467 | Winnie E. Hance |
| 3029 | 7517 | Susan E. Payne |
| 3063 | 7577 | Jacob W. Olson |
| 3112 | 7701 | Louis L. Dennis |
| 3160 | 7816 | Imogene Little |
| 3219 | 7930 | Melissa Chick Hendryx |
| 3324 | 8171 | Bessie J. Housley |
| 3326 | 8180 | Augustus Nichols |
| 3384 | 8267 | Emeline Washington |
| 3396 | 8300 | Susan D. Blakemore |
| 3403 | 8316 | Myrtle O. Flint |
| 3411 | 8374 | Jesse E. Glenn |
| 3444 | 8413 | Beulah Roseborough |
| 3446 | 8420 | Chas. Wm. Horn |
| 3462 | 8451 | Eva Elizabeth Montgomery |
| 3517 | 8554 | Minnie F. Thompson |
| 3532 | 8604 | Ollie J. Spears |
| 3532 | 8608 | Ava J. Spears |
| 3543 | 8634 | Nella McAffrey |
| 3580 | 8705 | Len F. Cheuteau |
| 3589 | 8717 | Henry Tynen |
| 3598 | 8749 | Lucy Sager |
| 3600 | 8789 | Joe McK. Sharp |
| 3674 | 8927 | Nevada N. Davidson |
| 3683 | 8955 | Julia Bushane |
| 3701 | 8996 | Susie Comfort |
| 3751 | 9084 | James F. Burton |
| 3753 | 9090 | Ollie Nichols |
| 3753 | 9091 | Poly Nichols |
| 3788 | 9156 | Isaac Whitdeer |
| 3882 | 9354 | Lena V. Highsmith |
| 3933 | 9492 | David Walker |
| 3934 | 9494 | Archie M. Kingston |
| 3942 | 9527 | Emmett C. Fields |
| 3983 | 30198 | Minnie E. Shoek |
| 4061 | 9804 | Harold Robbins |
| 4123 | 9948 | Ropy H. Manteeth |
| 4127 | 9960 | Clare Hicks |

Secretary--3.

| Card No. | Roll No. | Name. |
|----------|----------|---------------------|
| 4146 | 10006 | Arthur E. Lamar |
| 4155 | 10020 | Sammuel D. Harlan |
| 4198 | 10119 | Ellen E. Drew |
| 4860 | 11618 | Elnera Salley |
| 4905 | 11726 | William E. Tiley |
| 6482 | 18518 | Kora Ketcher |
| 7037 | 16807 | Dudley Tanner |
| 7308 | 17371 | Mary J. Stewart |
| 7476 | 17688 | Cicere Wright |
| 7804 | 17788 | Jehmaky Snell |
| 10424 | 30980 | Ethel M. Yost |
| 10770 | 31882 | Henry A. Blasingame |

Cherokee Freedmen.

| Card No. | Roll No. | Name |
|----------|----------|-------------|
| 704 | 1745 | Rosa Howe |
| 715 | 1780 | Mary Austin |

The Department's instructions of June 1, 1905 (I.T.D. 6340-1905), and October 4, 1905 (I.T.D. 12228-1905), as to the proceedings to be taken with reference to these persons have been complied with. Notice, under date of March 1, 1906, of the information received as to the date of the death of the above named persons, was given by publication for four consecutive issues in "The Cherokee Advocate" and "The Vinita Republican", both weekly newspapers of general circulation, the former published in the Cherokee Nation at Tahlequah, Indian Territory, and the latter published at Vinita, Indian Territory, in the Recording District in which the above named persons are

Secretary--4.

shown to have resided at the time of their death. The first issue of this publication in "The Cherokee Advocate" was on March 3, and the first issue in "The Vinita Republican" was on March 9, 1906. Attention was called to Section 31 of the Act of Congress approved July 1, 1902 (32 Stat., 716), and notice given to the heirs of the persons named, the administrators of their estates, or any other person having any interest in the estates of the decedents, that the Commissioner would, at the expiration of sixty days from the date of the notice, recommend to the Secretary of the Interior the cancellation of the enrollment of said persons as citizens of the Cherokee Nation, unless conclusive evidence was presented to the effect that said persons were living on September 1, 1902.

In addition to this notice a letter was on May 1, 1906, addressed to each of the above named persons, or his heirs, at his last known postoffice advising the information received, the law with reference to the making of the roll of citizens of the Cherokee Nation, and that unless conclusive evidence was presented within thirty days from date to the effect that the decedent was living September 1, 1902, the Commissioner would recommend to the Secretary of the Interior the cancellation of the enrollment of said person as a citizen of the Cherokee Nation.

Secretary--6.

No information having been received that any one of the above named persons was living September 1, 1902, it is respectfully recommended that their names be stricken from the approved partial rolls of citizens and freedmen of the Cherokee Nation in the possession of the department and the Commissioner of Indian Affairs; that this office be authorized to strike their names from the copies of the approved partial rolls in its possession, and that the applications for their enrollment as citizens of the Cherokee Nation be dismissed.

Respectfully,

Incl. GL-14.
GHL

Commissioner.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

LAND
69306-1906.

C O P Y

August 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from the Commissioner to the Five Civilized Tribes, dated August 9, forwarding affidavits as to the deaths of certain persons whose names appear on a partial roll of citizens and freedmen of the Cherokee Nation. Commissioner Bixby refers to Departmental letters of May 31, (I. T. D. 6186-1905), June 1, (I.T.D. 6240-1905), October 4, (I. T. D. 12228-1905), and January 12, (I.T.D. 110-1906), relative to striking from the approved roll of citizens of the Cherokee Nation the names of 286 persons who are shown to have died prior to September 1, 1902.

Commissioner Bixby reports that the Department's instructions as to the proceedings to be taken with reference to these persons, have been complied with, and no information having been received that any one of the persons enumerated in his report was living on September 1, 1902, he recommends that their names be stricken from the approved rolls of citizens and freedmen of the Cherokee Nation in the possession of the

-2-

Department and this Office, and that he be authorized to strike their names from the copies of the approved partial rolls in his possession, and that the application for their enrollment as citizens of the Cherokee nation be dismissed.

The affidavits have been examined in this Office, and are transmitted herewith, the Office concurring in the Commissioner's recommendation.

Very respectfully,

F. E. Leupp.

Commissioner.

OTC-10..

D.C. 37499.
I.T.D. 14716-1906.

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

PHI.

August 29, 1906.

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

Sir:

August 9, 1906, you forwarded affidavits as to the deaths of 66 persons whose names appear on the approved rolls of citizens of the Cherokee Nation, and recommended that their names be stricken from the approved rolls of citizens and freedmen of the Cherokee Nation in the possession of the Department and the Indian Office, and that you be authorized to strike their names from the copies of the approved rolls in your possession, you having complied with departmental instructions as to the proceedings to be taken with reference to these persons.

Reporting August 23, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department also concurs, and you are authorized to strike the names of said persons from the copies of the approved rolls in your possession, as follows:

Cherokees by blood.

Roll No.

Name.

178
209

John H. Huffer
Francis E. Anderson

2

Cherokees by blood.

| Roll No. | Name. |
|----------|--------------------------|
| 27224 | Eileen May Duniphan. |
| 309 | Houston L. Jones |
| 437 | Martin J. Jones |
| 448 | Hettie Ophelia Baker |
| 460 | Franklin E. Frazier |
| 7079 | Anna Mays |
| 7083 | Mary W. Dubois |
| 7093 | William L. Rogers |
| 7166 | Villie F. Gibson |
| 7239 | Louisa F. Cunningham |
| 7244 | Mala F. Cunningham |
| 7318 | Evadne Lynn |
| 7301 | Lennie Murphy |
| 30033 | Ollie F. Walton |
| 7467 | Minnie E. James |
| 7517 | Susan E. Payne |
| 7577 | Joseph V. Olson |
| 7701 | Louis L. Dennis |
| 7816 | Imogene Little |
| 7930 | Hollie Chick Hendryx |
| 8171 | Bessie J. Houdley |
| 8180 | Augustus Nichols |
| 8267 | Mollie Washington |
| 8300 | Susan D. Whitmore |
| 8316 | Myrtle O. Flinn |
| 8334 | Jesse H. Glenn |
| 8413 | Bessie Roseborough |
| 8420 | Chas. W. Kerr |
| 8481 | Eva Elizabeth Montgomery |
| 8554 | Minnie V. Thompson |
| 8604 | Ollie J. Spears |
| 8606 | Ava J. Spears |
| 8634 | Mollie McAffrey |
| 8705 | Len F. Chuteau |
| 8717 | Henry Tynon |
| 8744 | Lacy Sager |
| 8759 | Joe McF. Sharp |
| 8927 | Feyada H. Davidson |
| 8958 | Julia Baskins |
| 8996 | Bessie Comfort |
| 9084 | James F. Burton |
| 9090 | Ollie Nichols |
| 9091 | Poly Nichols |
| 9184 | Issac Whitesear |
| 9284 | Lena V. Highsmith |
| 9492 | David Walker. |

Cherokees by blood.

| Roll No. | Name. |
|----------|----------------------|
| 8894 | Archie M. Kinnison |
| 9527 | Russell C. Fields |
| 30198 | Minnie E. Sheek |
| 9804 | Harold Dobkins |
| 9948 | Repay E. Mantooth |
| 9960 | Clare Hicks |
| 10006 | Arthur E. Lamar |
| 10020 | Samuel D. Harlan |
| 10119 | Ellen E. Drew |
| 11612 | Minora Salley |
| 11728 | William E. Riley |
| 15518 | Kora Ketcher |
| 16807 | Dudley Tanner |
| 17371 | Mary J. Stewart |
| 17688 | Cicero Wright |
| 17758 | Johnaky Snell |
| 30980 | Ethel M. Yost |
| 31882 | Henry A. Blasingame. |

Cherokee Freedmen.

| Roll No. | Name. |
|----------|--------------|
| 1745 | Rosa Rowe |
| 1780 | Mary Austin. |

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee
10424.

Muskogee, Indian Territory, September 27, 1906.

Ida M. Haines,

Ketchum, Indian Territory.

Dear Madam:

In connection with the application for the enrollment as a citizen of the Cherokee Nation of your daughter, Ethel M. Yost, who is shown to have died prior to September 1, 1902, you are advised that her name was stricken from the approved roll of citizens of the Cherokee Nation and the application for her enrollment dismissed by the Secretary of the Interior August 29, 1906.

Respectfully,

Commissioner.

LME

Cher 10425

Lerinda E. Clark

Trans. from Del. # 34

(Old Series)

Cher 10425

Handwritten notes:
200
K. V. S.

V. D. 1300.

Unpackaged and sworn to before me this 11th day of October

Handwritten signature:
W. H. ...

transcripts of his stenographic notes for the
deposition and that the foregoing is a correct and complete
copy of the same and that the proceedings in this deposition are
correctly recorded and that the same are true and correct as
the same are stated in the foregoing and as the same are stated
in the foregoing and as the same are stated in the foregoing

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DEPARTMENT OF THE
PRISON TO THE FIVE
FILE
OCT 11 1900

As a witness in the case of the said defendant, I do hereby certify that the foregoing is a true and correct copy of the original notes of the deposition of the said defendant, as the same are stated in the foregoing and as the same are stated in the foregoing and as the same are stated in the foregoing

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

Vinita, I.T. September 26th, 1900.

IN THE MATTER OF THE APPLICATION OF LORINDA EMILINE CLARK
FOR THE ENROLLMENT OF HERSELF AND CHILDREN AS CHE CHEROKEE CITIZENS.

The said Lorinda Emiline Clark, being sworn and examined
by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Lorinda Emiline Clark.
Q What is your age? A Twenty-four.
Q What is your post office address? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation by
blood? A Yes, sir.
Q What degree of blood do you claim? A Half Delaware.
Q Was your mother a Delaware? A Yes, sir; she was a
full blood.
Q What is her name? A Sallie Smith.
Q Is she living? A ~~Maxxin~~. Yes, sir.
Q What is the name of your father? A John P. Smith.
Q Is he living? A No, sir.
Q For whom do you apply? A For myself and three children.
Q Was your maiden name Clark? A No, sir; Smith.
Q What are the names of your children? A Harry O Bolen.
Q How old is he? A He was six last May, the 20th.
Q The name of the next one? A Adena Bolen.
Q How old is she? A Five, the 17th of July.
Q Have you any others? A Annis Clark.
Q How old is he? A Two the 20th of June.
Q Have you any proof of birth? A I have not got a
certificate but I will get one.

1880 Roll, page 172, No. 2586, L. E. Smith, Cooweescoowee
District.

Q What was your name in 1896? A Bolen.

1896 Roll, page 362, No. 180, Lola E. Bolen, Cooweescoowee
District.

1896 Roll, page 362, No. 131, Harry Bolen, Cooweescoowee
District.

1896 Roll, page 362, No. 132, Adenia Bolen, Cooweescoowee
District.

Q Was Bolen your first husband? A Yes, sir.

Q When were you married to him? A In 1893.

Q What was his name? A E. C.

Q What is the name of your present husband? A H. G. Clark.

Q Is he a noncitizen? A Yes, sir.

Q When were you married to him? A In 1897.

THE COMMISSIONER: The name of Lorinda E. Clark appears
upon the authenticated roll of 1880 as L. E. Smith; her name
appears upon the census roll of 1896 as Lola E. Bolen. She avers
that she has two children named Harry O. and Adena Bolen, whose
names appear upon the census roll of 1896; she avers she has one
child named Annis by her present husband, Clark, two years of
age, whose name does not appear on the census roll of 1896, it
having been born since the same was compiled. They all being
duly identified according to the page and number of the roll
as indicated in the testimony, and having made satisfactory

COMMISSIONER OF THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C.

proof as to their residence, the said Lerinda E. Clark, and her children, Harry C. Belen and Adena Belen, will be duly listed for enrollment by this Commission as Cherokee citizens of Delaware blood; and the name of her child Amis Clark will be duly listed as a citizen of Delaware blood when she files with this Commission satisfactory proof of its birth.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

W. S. Wheeler
Subscribed and sworn to before me this 11th day of October
A. D. 1906.

W. S. Wheeler
Commissioner.

012473

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 12 1900

673

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 26 1900 1900.

Name Nawata J. J.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen NO
Married under what law CLARK Date of marriage _____

License _____ Certificate _____

Wife's name Lorinda E Clark

District COOWEESCOOWEE Year 1880 Page 172 No. 2586

Citizen by blood yes 1/2 Mother's citizenship Cherokee

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| No. | Name | Dist. | Year | Page | No. | Age |
|-----|--------------------|----------------------|-------------|------------|----------------|----------|
| 2 | <u>Harry Bolen</u> | <u>COOWEESCOOWEE</u> | <u>1896</u> | <u>362</u> | <u>Nb. 31</u> | <u>6</u> |
| 3 | <u>Adnia Bolen</u> | <u>COOWEESCOOWEE</u> | <u>1896</u> | <u>362</u> | <u>No. 132</u> | <u>5</u> |
| 4 | <u>Annus Clark</u> | <u>COOWEESCOOWEE</u> | _____ | _____ | _____ | <u>2</u> |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

1 on 1880 roll as L. E. Smith
 2 on 1896 " " Harry Bolen
 4 App. avail of birth to be suppressed
 3 on 1896 roll as Adnia Bolen

T. J. Smith

Del 34 Co,

20

IN RE

Application for Enrollment of

INFANT CHILD

Amis Darr

as a citizen of the

Shoonee

Nation.

Approved

OCT 16 1900

190

[Signature]
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 17 1900

[Signature]
Acting Chairman

Del Board No 34,

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation.
of Annis Clark, born on the 20th day of June, 1898.
Name of Father: H. S. Clark, a citizen of the Cherokee Nation.
Name of Mother: Lorrinda E. Clark, a citizen of the Cherokee Nation.
Post-office: ...

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Norman District.

I, Lorrinda E. Clark, on oath state that I am 24 years of age and a citizen, by blood of the Cherokee Nation; that I am the lawful wife of H. S. Clark, who is a citizen, by Cherokee Nation; that a Female child was born to me on the 20th day of June, 1898; that said child has been named Annis, and is now living.

WITNESSES TO MARR:

(Must be Two Witnesses) } ~~Ad Howard~~ Lorrinda E. Clark

Subscribed and sworn to before me this ... day of ... 190...

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Norman District.

I, Julia ... on oath state that I attended on Mrs. Lorrinda E. Clark, wife of H. S. Clark, on the ... day of June, 1898; that there was born to her on said date a Female child; that said child is now living and is said to have been named Annis Clark.

WITNESSES TO MARR

(Must be Two Witnesses) } ...

Subscribed and sworn to before me this ... day of ... 190...

NOTARY PUBLIC.

100
COMMISSION 7.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Chickasaw, I.T., November 14, 1903.

In the matter of the application of LORINDA E. CLARK, for the enrollment of herself and children, ANNIS CLARK and HARRY O. and ADNIA BOLEN, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

ANDREW H. NORWOOD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Andrew H. Norwood.
- Q How old are you? A 53 years old and reside at Dewey, I.T.
- Q You are a citizen by intermarriage, are you? A Yes sir, I became by a marriage to a Cherokee; my first wife was a Cherokee and my last wife a Delaware.
- Q How long have you lived in the Cherokee Nation 33 years.
- Q Do you know Lorinda E. Clark? A Yes.
- Q She about 27 years old at this time? A Yes.
- Q How long have you known her? A 27 years I guess.
- Q Has she got some children? A She's got two; one by Bolen and one by Clark.
- Q Hasn't she got two by Bolen? A Yes, that's right; Bolen's got one and she's got one.
- Q Have these children lived with her all the time? A The oldest one has been with Bolen in Missouri all the time unless they brought it back; he took it out of the country.
- Q Is Bolen an intermarried citizen? A Yes; when he was divorced from her I think he was made a non-citizen; he's married to a Delaware again.
- Q Is this oldest child living in the nation now? A I think it is at the present time; that is my understanding.
- Q It was born here? A Yes, and was here until it was about two years old and then he took it off to Missouri; I got a writ for the possession of the child, but never could get it; he run it off to Missouri.
- Q The custody of the child was awarded to the mother? A Yes, by both Courts, but she never could get it.
- Q The other two children have been with her all their lives?
A All the time.
- Q Has Lorinda E. Clark lived in the Cherokee Nation all her life?
A Yes sir.
- Q Living here now? A Yes.
- Q Never lived out? A No sir. Oh, she lived in Coffeyville a month or two, and went up to Kansas City a little while, but with these exceptions she's never resided anywhere but in the nation.

Lorinda E. Clark et al., -2.

- Q Is her present husband named Clark? A Lowrey married her about a year ago; last winter or spring.
Q After the 1st of September, 1902? A Yes.
Q What's Lowrey's full name, do you know? A I forget his first name; don't think he claims any citizenship.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

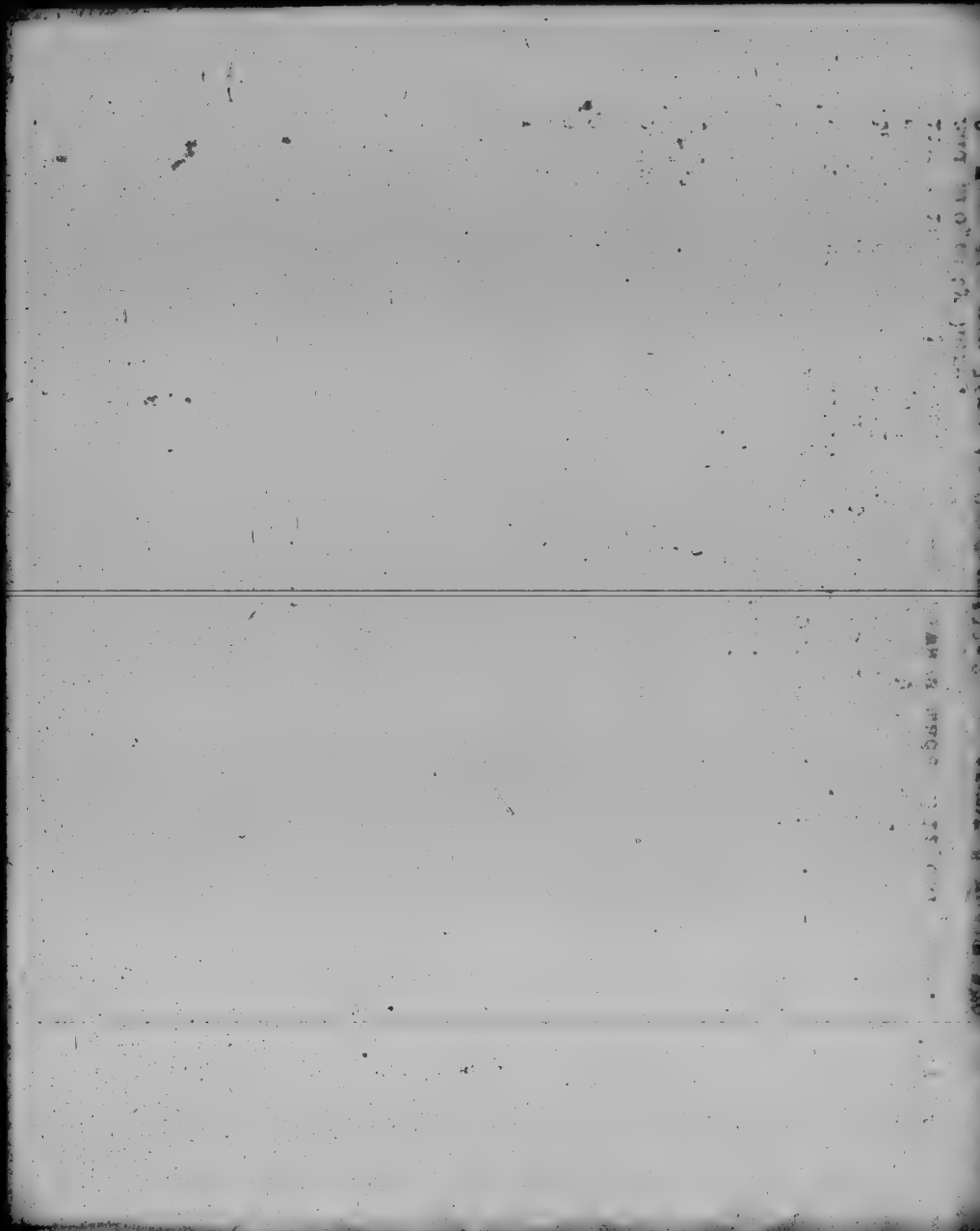
Mabel F. Maxwell

Subscribed and sworn to before me
this 27th day of November, 1903.

Samuel Foreman

Notary Public.

MFY



JOR
Delaware 34.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Nowata, I. T., Dec. 1, 1903.

In the matter of the application of LORENDA E. CLARK, for the enrollment of herself and children, Annis Clark, Harry O., and Adnia Bolen, as Delaware citizens of the Cherokee Nation.

LORENDA E. LOWRY, being sworn and examined, testified as follows:

- Q What is your name? A Lorenda E. Lowry.
Q What is your husband's name? A James K.
Q Is he a white man? A Yes sir.
Q At the time you were enrolled your name was Lorenda E. Clark?
A Yes sir.
Q When were you married to J. K. Lowry? A Last year, the 7th of November.
Q The 7th of November, 1902? A Yes sir.
Q Your former husband was named H. G. Clark? A Yes sir.
Q He was a white man? A Yes sir.
Q Have you and he been divorced? A Yes sir.
Q You have a child by him? A One child, Annis.
Q That child is living is it? A Yes sir.
Q You have children Harry O., and Adnia Bolen? A Yes.
Q Both of those children are living are they? A Yes sir.
Q Have you resided in the Cherokee Nation all your life? A Except lived in Coffeyville. We have always made this our home. Always had property here.
Q When did you live in Coffeyville? A About 5 years ago.
Q How long? A Well we were there back and forth continuously since then. Part of the time there and part of the time here.
Q You have had your home in the Cherokee Nation all the time?
A Yes sir.
Q Had property here? A Yes sir.
Q What was the occasion of your living there? A My mother's health and school purposes.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 10th day of December, 1903.

Samuel Foreman
Notary Public.

Cher 10426

Eliza Warner

Trans. from Del. # 35

(Old Series)

Cher 10426

to Mary McNulty, said in the marriage license to be a Cherokee citizen. She is not identified on the roll of 1890. The applicant states that he lived with his wife three or four years before that they parted and he procured a divorce. He will be listed now upon a doubtful card, under the status of Cherokee by adoption. He is required to supply the Commission with a copy of the record of divorce and if possible to have his wife identified on the roll of 1890. His present wife is identified on the roll of 1890 and 1896 as Mary McNulty. The husband will be listed on the roll of 1890 and 1896 as well as his wife, which lists her for excellent as a wife and the Indian.

The children apply for all of the present marriage. The first three are identified with their parents on the roll of 1896, and they will be listed now to the same extent as the Cherokee DeWares. The two younger children will be listed for enrollment as Cherokee relatives of the Commission if they apply with proper certificates of birth.

J. O. Posson, being duly sworn, states that as at now sworn to the Commission to the Five Civilized Tribes, he correctly knows of the testimony and proceedings in this case, and that the same are true and correct as stated in the foregoing report of the Commission.

(Signed) J. O. Posson.

Subscribed and sworn to before me this 29th day of September, 1900.

(Signed) W. Breckinridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as at now sworn to the Commission to the Five Civilized Tribes he made the foregoing

COMMISSION TO THE FIVE CIVILIZED TRIBES
RECORDS SECTION
NOV 10 1901

5
17

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 26, 1900.

In the matter of the application of William Warner for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Warner being sworn by Commissioner C.R. Breckinridge, testified as follows:

Delaware blood.

- Q Give me your name, please? A William Warner.
Q How old are you? A 55.
Q What is your post office? A Vinita.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A Myself, wife and children.
Q How many children? A Five.
Q Are you a Cherokee by blood? A Adopted.
Q What is your wife, Cherokee? A She is a Delaware.
Q Have you your marriage license and certificate?

Applicant presents an official copy of the records of the Delaware district, showing that he was licensed by the Clerk of the District, April 20, 1880, to marry Mary McMulty, a citizen of the Cherokee Nation, and that they were united in marriage upon the same date of the license by the Clerk of the district. This is filed herewith.

- Q That wife Mary McMulty is she Cherokee? A Yes, sir.
Q Is she a native of the Cherokee Nation? A Yes, sir.
Q Is she living now or dead? A I do not know.
Q How long did you live with her? A About three or four years.
Q You then separated? A Yes, sir.
Q Did you get a divorce from her? A Yes, sir.
Q Have you copy of the decree of divorce? A No, sir.
Q Where did you get your divorce? A Delaware District.
Q Was the divorce granted to you or your wife? A Granted to me.
Q Have you married since you separated from that wife? A Yes, sir.
Q To whom did you marry your second time? A Eliza Marker.
Q Is she living now? A Yes, sir.
Q Is she Cherokee or white woman? A She is Delaware.
Q How old is she? A About 30 I think.
Q Have you a copy of your marriage license and certificate? A No, sir.
Q Did you get out a license? A No.
Q When were you married to her? A About 12 years ago.
Q Is she living with you at this time? A Yes, sir.
Q Have you lived together ever since your marriage? A Yes, sir.
Q And lived in the Cherokee Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since your marriage in 1880? A Yes, sir.
Q Is this wife's name, Marker, on the roll of 1880? A Yes, sir.
Q What district did she live in then? A Delaware.
Q In what district did you live in 1880? A Delaware.
Q 1896 what district? A Delaware.
Q Give me the names of your children? A Jennie May.
Q How old is she? A She is 11 years old.
Q Next A. that the next one? A Yes, sir.
Q Two years old? A Yes, sir.
Q Henry Clay, eight years old? A Yes, sir.
Q Rosy Afer, three years old? A Yes, sir.
Q Clara Bell, that is the next one, is it? A Yes, sir.
Q Born a year ago last August? A Yes, sir.
Q These children all living now? A Yes, sir.

1880 enrollment: page 291, #1823, Eliza Warner, Delaware.
1896 enrollment: page 594, #309, William Warner, Delaware.
1896 enrollment: page 625, #94, Eliza A. Warner, Delaware.
1896 enrollment: page 625, #95, Janie May Warner, Delaware.
1896 enrollment: page 625, #96, Maud A. Warner, Delaware.
1896 enrollment: page 625, #97, Henry C. Warner, Delaware.

Q Your present wife has lived in the Cherokee Nation all her life has she? A Yes, sir.

Q These children are all children of the present marriage, are they? A Yes, sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, wife and five children. He shows by the marriage license and certificate filed herewith that he was married April 20, 1880, to Mary McMulty, said in the marriage license to be a Cherokee citizen. She is not identified on the roll of 1880. The applicant states that he lived with his wife three or four years and that they parted and he procured a divorce. He will be listed now upon a doubtful card, under the status of a Cherokee by adoption. He is required to supply the Commission with a copy of the decree of divorce and if possible to have his wife identified on the roll of 1880. His present wife is identified on the roll of 1880 and 1896 as an adopted Delaware. She has lived in the Cherokee Nation all her life and she will be listed now for enrollment as an adopted Delaware.

The children applied for are all of the present marriage. The first three are identified with their parents on the roll of 1896, and they will be listed now for enrollment as Cherokee Delawares. The two younger children will be listed for enrollment as Cherokee Delawares when the Commission is supplied with proper certificates of their birth.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 29th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Groninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Groninger

Subscribed and sworn to before me this 14th day of November, 1901.

W. D. Green
Notary Public.

Del 35 - B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 26 1904

[Faint signature]

CHEROKEES BY BLOOD AND ADOPTION.

Date **SEP 26 1900** 1900.

Name *Sinta J*

District Year Page No.

Citizen by blood *Mother's citizenship*

Intermarried citizen

Married under what law Date of marriage

License Certificate

1 ³⁴ Who's name *Olga Warner*

District *DELAWARE* Year *1892* Page *291* No. *1823*

Citizen by blood *Del.* Mother's citizenship

Intermarried citizen *No.*

Married under what law Date of marriage

License Certificate

Names of Children:

| No. | Name | Dist. | Year | Page | No. | Age |
|-----|-------------------------|-----------------|-------------|------------|-----------|-----------|
| 2 | <i>Jennie M. Warner</i> | <i>DELAWARE</i> | <i>1896</i> | <i>625</i> | <i>95</i> | <i>11</i> |
| 3 | <i>Maud A.</i> | <i>"</i> | <i>"</i> | <i>625</i> | <i>96</i> | <i>10</i> |
| 4 | <i>Henry C.</i> | <i>"</i> | <i>"</i> | <i>625</i> | <i>97</i> | <i>8</i> |
| 5 | <i>Rosy A.</i> | <i>"</i> | <i>"</i> | <i>"</i> | <i>"</i> | <i>9</i> |
| 6 | <i>Clara B.</i> | <i>"</i> | <i>"</i> | <i>"</i> | <i>"</i> | <i>1</i> |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

1 *Oct. 1890* Roll as *Olga Ann Warner*
 2 *" 1896* " " *Jennie May Warner*
 3 and 6, Affidavits to be supplied.

Vol. 35

Del No 35

10526
IN RE

Application for Enrollment of

INFANT CHILD

Clara Belle Warner

as a citizen of the

Cherokee Nation

Approved: *[Signature]*
[Signature]
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED IN
SEP 26 1901

Del No 35

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Clara Bee Warner on the 6 day of Aug, 1899. Name of Father: William Warner, a citizen of the Cherokee Nation. Name of Mother: Eliza Warner, a citizen of the Cherokee Nation. Post-office: Vinita, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District.

I, Eliza Warner, on oath state that I am 30 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of William Warner, who is a citizen, by adoption, of the Cherokee Nation; that a female child was born to me on the 6 day of Aug, 1899 that said child has been named Clara Bee Warner, and is now living.

(Must be Two Witnesses) Rita J. Elliott, Eliza Warner mark, J.P. Creelway

Subscribed and sworn to before me this 21 day of Aug, 1900. Com ex. Mar 30-1901. John E. Butler, NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

District.

I, Clara Bell Miller, Midwife, on oath state that I attended on Mrs. Eliza Warner, wife of William Warner, on the 6 day of Aug, 1899, that there was born to her on said date a female child; that said child is now living and is said to have been named Clara Bee Warner.

(Must be Two Witnesses) Clara Bell Miller

Subscribed and sworn to before me this 21 day of Aug, 1900. John E. Butler, NOTARY PUBLIC.

9

CA 35

IN RE

Application for Enrollment of

INFANT CHILD

Edna Warner

as a citizen of

CHEROKEE NATION.

Approved

1901

[Signature]
Commissioner.

For Sale by Leader Printing Co., Vinita.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 4 1901

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE: Application for Enrollment, as a citizen of the Cherokee Nation, of Edna Warner, born on the 12th day of Nov, 1901. Name of Father: Lou Warner, a citizen of the Cherokee Nation. Name of Mother: Eliza Warner, a citizen of the Cherokee Nation. Post-office, Vinita, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, Eliza Warner, on oath state that I am 31 years of age and a citizen, by blood of the Cherokee Nation; that I am the lawful wife of Lou Warner, who is a citizen, by adoption, of the Cherokee Nation, that a female child was born to me on the 12th day of Nov, 1901; that said child has been named Edna Warner, and is now living.

WITNESSES TO MARK:

Must be two Witnesses

Subscribed and sworn to before me this 23rd day of Nov, 1901. Notary Public: Preston Davis

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, Jane Morker, a midwife, on oath state that I attended on Mrs. Eliza Warner, wife of Lou Warner, on the 12th day of Nov, 1901; that there was born to her on said date a female child; that said child is now living and is said to have been named Edna Warner.

WITNESSES TO MARK:

Must be two Witnesses

Subscribed and sworn to before me this 23rd day of Nov, 1901. Notary Public: Preston Davis

Notary Public: Preston Davis

COPY.

Cherokee-10426.

Muskogee, Indian Territory, December 14, 1904.

Eliza Warner,

Ketchuk, Indian Territory.

Dear Madam:

The Commission is in receipt of affidavit executed on November 26, 1904, showing the birth, on November 26, 1903, of Flossie Warner to yourself and William Warner.

In reply you are advised that this Commission is now engaged in making a roll of citizens of the Cherokee Nation as of September 1, 1902, and that no person born since that date is entitled to enrollment in said Nation.

Respectfully,

SIGNED, *Tame Bixby.*
Chairman.

Muskogee, Indian Territory. May 14, 1906.

Eliza Warner,
Ketchum, Indian Territory.

Dear Madam:

This office is in receipt of your letter of May 5, 1906, asking information relative to the enrollment of your minor daughter, Flossie Warner as a citizen of the Cherokee Nation.

Replying thereto you are advised that before the application for the enrollment of your said daughter will be complete, it will be necessary for you to have properly executed the blank form of application enclosed you herewith and return same to this office.

Respectfully,

Acting Commissioner.

Incl.
MMP-1 B.C.

Cher 10427

Mary L. Thatcher

Trans. from Del. # 36

(Old Series)

Cher 10427

COMMISSION TO THE SEVERAL TRIBES
BRANCH NO. 10

SEP 26 1900
E. I. S. P.

*Copy
of
Sept 26*

... presents satisfactory certifi-
... particularly described in the testimony;
... residence; consequently, the said
... duly listed for enrollment by the Com-
... in marriage, and his wife, Mary,
... shall be duly listed for enroll-
... of lineage of Delaware blood.

... to admission to the Civilized Tribes, he correctly furnished the
... testimony of the witnesses in his case, and that the foregoing is a
... of his statements of the above notes.

[Signature]

COMMISSIONER

11

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 27th, 1900.

IN THE MATTER OF THE APPLICATION OF Joel T. Thatcher, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. N. Hordless, testified as follows:

- Q What is your name? A Joel T. Thatcher.
- Q What is your age? A About sixty one.
- Q What is your Postoffice? A Vinita.
- Q What district do you live in? A Coconawacooee.
- Q Are you a recognized citizen of the Cherokee Nation?
- A I suppose so.
- Q By blood or intermarriage? A Intermarriage.
- Q What is the name of your wife? A Mary Ketchum.
- Q Before you married her? A Yes sir.
- Q How old is she? A About fifty eight or fifty nine.
- Q Is she a citizen by blood? A Yes sir.
- Q When did you marry her? A In 1883.
- Q Have you a certificate of marriage? A Yes sir.
- The applicant presents a certified copy of marriage license and certificate of marriage, according to the laws of the Cherokee Nation, certifying that he was married to one, Miss Mary L. Ketchum, a citizen of the Cherokee Nation, on the 3rd day of October, 1883.
- Q What is the name of your father? A Lewis Shashum Ketchum.
- Q Is he living? A Yes sir.
- Q What is the name of your wife's mother? A I can not tell you.
- Q Is she living? A No sir.
- Q What are the names of your children under twenty one years of age? A Sarah Elisabeth.
- Q How old is she? A She is seventeen.
- Q What is the name of the next one? A Joel Hays.
- Q How old is he? A Fourteen.
- Q Are these children living and living with you at this time?
- A Yes sir.
- Q Is your wife a Delaware? A Yes sir.
- Q You present a certified copy of an Act, admitting certain persons to Cherokee citizenship, approved December 9th, 1899, signed by D. W. Bushyhead, Principal Chief, and also a receipt for \$205.00, paid to the Cherokee Nation for the said admission; said parties being so admitted being Delawares, and now being residents of the Cherokee Nation; In this copy of the Act you present, I find the name of one, Mary Ketchum; Is the Mary Ketchum mentioned in this Act the identical person for whom you apply for enrollment? A Yes sir.
- Q You say you were married to Mary Ketchum in 1883? A Yes sir.
- Q Are you a white man? A Yes sir.
- Q Are these children all living, and living with you at this time?
- A Yes sir.
- Q How long have you lived in the Cherokee Nation? A Since 1883.
- Q How long has your wife lived in the Cherokee Nation? A She came here in 1883, I think. Came here with her father.
- By Mr. W. W. Hastings, Cherokee Representative:
- Q Have you lived with your wife ever since? A Yes sir.
- Q And you are living with her now? A Yes sir.

By the Clerk of the

1899 Roll, Page 600, 601, Joel Thatcher, Delaware D'et)
1899 Roll, Page 601, 602, Mary L. Thatcher, Delaware D'et)
1899 Roll, Page 604, 605, Sarah A. Thatcher, Delaware D'et)
1899 Roll, Page 604, 605, Joel H. Thatcher, Delaware D'et)

The name of Joel T. Thatcher appears upon the census roll of 1899, as well as the name of his wife, Mary Thatcher, and his

CONFIDENTIAL
L. I.
216

...and Paul M. ...
...also called ...
...Paul M. ...
...his wife, Mary ...
...and children, ...

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly covered the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

R. R. ...

Subscribed and sworn to before me
this 29th day of September, 1900.

C. A. ...

COMMODORE

= *Doc 36 B.*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1900

[Faint signature]
SPECIAL AGENT IN CHARGE

Coo

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Sept 27th 1900

(61)

Name John S. Thatcher

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen yes

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Mary S. Thatcher

District Delaware Year 1880 Page 624 No. 81

Citizen by blood yes Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children: Sarah E. Thatcher Dist. Delaware Year 1896 Page 624 No. 82 Age 7

Joseph M. Dist. " Year 1896 Page 624 No. 83 Age 4

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

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Dist. _____ Year _____ Page _____ No. _____ Age _____

Self # 36

3382

Del 36 h.

DEPARTMENT OF THE ARMY
COMMISSIONER OF THE FIVE CIVIL TRIBES

FILED
SEP 27 1908

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

B. W. Alberty

Assistant Executive Secretary
Canadian Union

POOR ORIGINAL -
BEST AVAILABLE COPY

BCJ

To be filed with
Delaware 36, Mary L. Thatcher et al.

Delaware 38.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of LEWIS KETCHUM for the enrollment of himself and his wife, ELIZABETH, as citizens of the Cherokee nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I am 60 years old.
Q What is your postoffice address? A Ketchum.
Q You are a citizen by intermarriage of the Cherokee Nation, are you not? A Yes sir.
Q How long have you been a citizen by intermarriage?
A I was married in '72.
Q You are a member of the Cherokee Senate, are you not?
A Yes sir.
Q Do you know Lewis Ketchum? A Yes sir.
Q About how old is he? A Well, he must be pretty near a hundred years old.
Q What is his postoffice? A He might get his mail at Vinita.
Q How long have you known him? A Oh, several years; ever since he came to the country.
Q Is his wife's name Elizabeth? A Well, I swear I can't tell.
Q You know his wife? A Yes sir.
Q Lewis Ketchum claims to be a Delaware, does he not?
A Yes sir.
Q When did he come to the Cherokee Nation? A Well it's been-- I don't know-- it's been over 15 years ago though.
Q Was it since 1880? A Yes, since 1880.
Q Do you know if his name is on the Delaware Register?
A I don't know.
Q He didn't come down here with the registered Delawares?
A No sir.
Q Do you know where he came from when he moved to this country?
A Came from Kansas City, I think; that's my understanding.
Q Is it your understanding he and his family were readmitted here as Delawares? A Yes sir, they always been recognized as such.

- Q Has he a daughter named Mary L. Thatcher? A Yes sir.
Q She came here with him? A Along about the same time, yes sir.
Q She had never been here before that? A I think not.
Q Has he a son named Solomon Ketchum? A Yes sir.
Q Solomon Ketchum came here at the same time? A Yes sir.
Q Has he any other children that came? A Well, I think not; he had a son named Todd, but he's dead.
Q Lewis Ketchum and his wife and daughter and son all came here about the same time? A Yes sir, along about the same time.
Q And they have all lived here ever since? A Ever since; they are recognized citizens of the country.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 12th day of December, 1905.

Samuel Foreman

Notary Public.

38

BCJ

To be filed with
Delaware 36.

Delaware 38.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 14, 1903.

In the matter of the application of LEWIS KETCHUM for
the enrollment of himself and his wife, ELIZABETH, as citizens
of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

ANDREW H. MORWOOD, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Andrew H. Morwood.
Q How old are you? A 53 years old, and reside at Dewey, I.T.
Q You are a citizen by intermarriage, are you? A Yes sir, I
became by a marriage to a Cherokee; my first wife was a
Cherokee, and my last wife a Delaware.
Q How long have you lived in the Cherokee Nation? A 33 years.
Q Do you know Lewis Ketchum? A I do.
Q What is his postoffice? A I think it's Vinita.
Q Is he an old man about 93 years old? A Claims to be a hundred;
he's fully 93, very old.
Q Is he a Delaware Indian? A Yes.
Q Do you know whether his name is on the Delaware Register?
A I think not.
Q Did he come down here when the Delawares came? A No sir.
Q When did they come to the Cherokee Nation? A I don't know
the year, but I remember the time; I wrote the act that
admitted him.
Q They were admitted here as Delawares by a special act of the
Cherokee Council? A Yes sir, subsequent to the removal of
the Delawares here, and a number of years afterward.
Q He and his family came in at the same time and claim that act
as the Genesis of their right here? A Yes sir.
Q Have they ever been considered or recognized as Delawares?
A Not by the tribe or the people of the Delawares; in fact they
only claimed an interest in the Delaware tribe.

JOHN YOUNG, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A John Young.
Q How old are you? A I'm about 57.
Q What is your postoffice address? A Walden.
Q Are you a Delaware citizen of the Cherokee Nation? A Yes sir.
Q You are a full-blood Delaware, are you? A Yes sir.
Q Are you a member of the Delaware Business Committee? A Yes.
Q Do you know Lewis Ketchum? A Yes.

- Q What is his postoffice? A Vinita.
- Q Is he a very old man now? A Oh, yes.
- Q How long have you known him? A Well, I've known him 50 years anyhow.
- Q Did he come down here with the Delawares? A No, no.
- Q When did he come to the Cherokee Nation? A Well, I don't remember when it was, whether after ---
- Q His name doesn't appear on the Delaware Register, does it?
- A No.
- Q Did all of the members of his family come here when he came?
- A Yes.
- Q How do they claim rights here? A I don't know; I couldn't tell you about that.
- Q Do you know if they claim under the agreement between the Delawares and the Cherokees? A Yes.
- Q Have they ever been recognized by the Delawares as members of the Delaware tribe who moved down here? A No.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 28th day of November, 1903.

Samuel Foreman,

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, December 5, 1903.

In the matter of the application of Mary L. Thatcher for the enrollment of herself and her children, Sarah E. and Joel M. Thatcher, as Delaware citizens by blood of the Cherokee Nation.

Mary L. Thatcher, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Mary L. Thatcher.
Q How old are you? A Fifty-six.
Q When your age was given in in 1900 it was put down as fifty-nine at that time; you think that is not correct? A No sir; I was born in 1847.
Q What is your post office? A Vinita.
Q You are a recognized citizen by Delaware blood of the Cherokee Nation, are you? A Yes sir.
Q You are a daughter of Lewis Ketchum? A Yes sir.
Q This is your father is it? A Yes sir.
Q Were you admitted to citizenship in the Cherokee Nation with your father? A Yes sir; my case is the same as his.
Q Your case is the same as his? A Yes sir.
Q Did you come to the Cherokee Nation at the same time he did? A Yes sir.
Q Have you resided in the Cherokee Nation continuously since that time? A I was in Kansas about a year.
Q When was it that you were in Kansas? A In 1882.
Q Outside of being in Kansas a year or two in about 1881 or 1882, have you made your home in the Cherokee Nation continuously since you were admitted? A Only about a year. about
Q When was it that you were away, you only spent a year away, and that was in 1881 or '82? A Yes sir.
Q Outside of that your home has been in the Cherokee Nation continuously? A Yes sir.
Q You don't claim that your name is on what is known as the Delaware Register? A No sir.
Q Were you admitted with your father? A Yes sir.
Q The status of your case is identical with his? A Yes sir.

Commission: A copy of the testimony taken this day in the matter of the application for the enrollment as a citizen by Delaware blood of the Cherokee Nation of Lewis Ketchum, Delaware Card No. 38, will be filed with and made a part of the record in this case.

- Q Your husband is named Joel T. Thatcher? A Yes sir.
Q This is he? A Yes sir/
Q You and he are living together? A Yes sir.
Q You have children, Sarah E. and Joel M.? A Yes sir.
Q They are both living? A Yes sir.
Q Either of them married? A No sir.
-

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

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

Samuel Forman
Notary Public.

Delaware No. 38.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, December 5, 1903.

In the matter of the application of Lewis Ketchum for the enrollment of himself and his wife, Elizabeth Ketchum, as Delaware citizens by blood of the Cherokee Nation.

Lewis Ketchum, being duly sworn and examined by the Commission, testified as follows through Interpreter John H. Secordine:

Q What is your name? A Lewis Ketchum.

Q You are about ninety-three years old, are you? A Yes, about ninety-three or four.

Q Is your post office Vinita? A Yes sir.

Q You are a Delaware citizen by blood of the Cherokee Nation, are you? A Yes sir, I am a Delaware.

Q How long have you resided in the Cherokee Nation? A About twenty-two years.

Q Were you admitted to citizenship in the Cherokee Nation? A Yes sir, I was admitted by an act of the Cherokee Council.

Q When was that, what date? A It was in '80, I think.

Q Have you a copy of the act of your admission to citizenship?

A I had the copies of them, but the Commission has them.

Q The Dawes Commission has it filed in your case? A I don't know whether it is the original, but I had a copy of it; Sol would know more about that.

Q Sol, that is your son, is it? A Yes sir.

Q Were you admitted to citizenship by reason of being a Delaware by blood? A He said, of course, he came in as a Delaware under the same conditions as the balance of the Delawares; he paid the same amount.

Q You were a member of the Delaware Tribe up in Kansas, were you?

A I always was a member of the Delaware tribe.

Q You didn't elect to remove to the Cherokee Nation under the agreement between the Delawares and the Cherokees made April 8, 1867? A I didn't elect to move then right away for the reason that Mr. Journeycake told me I didn't have to go right away, and I could come any time. I wanted to stay because the Delawares was getting no price for the land, what it was really worth.

Q Mr. Journeycake was the Chief of the Delawares up there, was he?

A Yes sir, he was the Chief.

Q And you thought it the best interest for you yourself to stay up there and you afterwards came down to the Cherokee Nation and was admitted as a Delaware? A Yessir, that was my understanding about it.

Q You don't claim then that your name is on what is known as the Delaware Register? A I don't know whether I was or not because it was left to the head man, whatever they thought they were doing they thought best.

Q You didn't signify your willingness to come at that time, did you?

A No, I didn't signify it at that time; I just took what old man Journeycake told me, that I could hold my land there and come in afterwards.

Q Have you resided in the Cherokee Nation continuously since you came here in 1880 or 1881? A Yes sir, that is the reason I moved down here and I have stayed ever since.

Q Your wife is named Elizabeth? A Yes sir.

Q She is living, is she? A Yes sir, she is now at Mr. Thatchers.

Q Were you married to her in Kansas? A Yes sir.

Q Was she admitted to citizenship in the Cherokee Nation at the same time you were? A Yes sir, just the same.

Q Did she come to the Cherokee Nation the same time you did? A Yes sir.

Q Has she resided here continuously since you have? A No, she's never been out.

Q Her case then is the same as yours? A Yes sir.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 7th day of December, 1903.

Samuel Foreman
Notary Public.

Kinita

Indian Territory, 5/7/ 1914

Received of the Commission to the Five Civilized Tribes

one copy of the testimony in Cherokee 10427,

Mary L. Thatcher et al

W. H. K. Rogers

Attorney for applicant.

174

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

In the matter of the application of Lewis Ketchum, et al. for enrollment as Cherokee citizens of Delaware blood, consolidating the applications of,

Lewis Ketchum, et al.,-----Delaware 38;
Solomon Ketchum, et al.,-----Delaware 37;
Mary L. Thatcher, et al.,-----Delaware 36.

D E C I S I O N.

The record in these cases shows that on September 27, 1900, Lewis Ketchum appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his wife, Elizabeth Ketchum, as citizens of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on November 14, 1903 and at Vinita, Indian Territory, on December 5, 1903:

That on September 27, 1900, Solomon Ketchum appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his children, Charles E., James S., Clarence R. and Joseph B. Ketchum, as citizens of the Cherokee Nation of Delaware blood. The application also included the wife of said Solomon Ketchum, but she is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 5, 1903:

That on September 27, 1900, Joel T. Thatcher appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Mary L. Thatcher, and his children, Sarah E. and Joel M. Thatcher, as citizens of the Cherokee Nation of Delaware blood. Joel T. Thatcher is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 5, 1903.

The evidence shows that Lewis and Elizabeth Ketchum are of Delaware blood; that Solomon Ketchum and Mary L. Thatcher are adult children of said Lewis and Elizabeth Ketchum. Charles E., James S., Clarence R. and Joseph B. Ketchum are the minor children of Solomon Ketchum and his wife, Annie, a white woman, to whom he was married in 1889. Mary L. Thatcher was married to Joel T. Thatcher, a white man, in 1883, and Sarah E. and Joel M. Thatcher are the issue of that marriage.

All the applicants herein, excepting Clarence R. and Joseph B. Ketchum, are identified on the Cherokee Census roll of 1896. The said Clarence R. and Joseph B. Ketchum are identified by birth affidavits made a part of this record.

The evidence further shows that the said Lewis Ketchum, Elizabeth Ketchum, Solomon Ketchum, and Mary L. Thatcher under the

name of Mary Ketchum, were "admitted to all the rights and privileges of other Delawares now resident in the Cherokee Nation" by an Act of the Cherokee National Council, entitled "An Act admitting Lewis, Elizabeth, Mary and Solomon Ketchum, Delaware Indians, to citizenship in the Cherokee Nation," approved December 6, 1880, a certified copy of which Act is made a part of this record. It appears that the said Lewis, Elizabeth, Mary and Solomon Ketchum paid into the treasury of the Cherokee Nation the sums of money required by the provisions of said Act.

The evidence further shows that the adult applicants herein have resided in the Cherokee Nation since 1861, and that Mary L. Thatcher and her husband have been living together in said Nation since their marriage. The residence of the minor children is considered to be that of their parents.

The agreement of April 8, 1867, between the Cherokee Nation and the Delaware tribe of Indians, under which agreement the applicants appear to claim rights provides that:

"The Cherokees, parties of the first part, for and in consideration of certain payments, and the fulfillment of certain conditions hereinafter mentioned, agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 96 west longitude, in the aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon a certain register made February 18, 1867, by the Delaware agent, and on file in the office of Indian affairs, being the list of the Delawares who elect to remove to the "Indian country," to which list may be added, only with the consent of the Delaware Council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto;"

"and in case the Cherokee lands shall hereafter be allotted among the members of said Nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 160 acres for each individual,) shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation;"

"On the fulfillment by the Delawares of the foregoing stipulations, all the members of the tribe, registered as above provided, shall become members of the Cherokee Nation, with the same rights and immunities, and the same participation (and no other,) in the national funds, as Native Cherokees, save as hereinbefore provided."

It is the opinion of the Commission that under the Act of the Cherokee National Council of December 6, 1880, the said Lewis Ketchum, Elizabeth Ketchum, Solomon Ketchum and Mary Ketchum, now Mary L. Thatcher, acquired the rights and privileges of Cherokee citizenship equally with native Cherokees; that the minor applicants herein, who were all born subsequent to 1880, take the status of their parents, and that, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 498), the said Lewis Ketchum, Elizabeth Ketchum, Solomon Ketchum, Charles E. Ketchum, James S. Ketchum, Clarence H. Ketchum,

Joseph B. Ketchum, Mary E. Thatcher, Sarah E. Thatcher and Joel E. Thatcher should be enrolled as citizens of the Cherokee Nation with all the rights of Cherokees by blood, and it is, therefore, so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

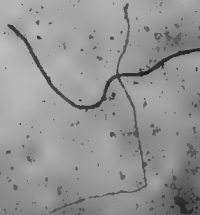

Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 16 1904



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

In the matter of the application of Lewis Ketchum, et al.,
for enrollment as citizens of the Cherokee Nation of Delaware blood
consolidating the applications of --

Lewis Ketchum, et al., Delaware 33 (Cherokee 10429)
Solemn Ketchum, Delaware 37 (Cherokee 10428)
Mary L. Thatcher, Delaware 36 (Cherokee 10427)

DECISION ON MOTION TO RE-OPEN AND MODIFY JUDGEMENT.

On May 16, 1904, the Commission rendered its decision in
the above consolidated case, finding that all the applicants
embraced therein were entitled to enrollment as citizens of the
Cherokee Nation with the same rights as Cherokees by blood.

On August 27, 1904, the applicants, Solemn Ketchum,
Mary L. Thatcher and Elizabeth Ketchum, widow of Lewis Ketchum,
deceased, by their attorney, W. H. Kornegay, filed herein their
motion to re-open said case and modify the judgment heretofore
rendered, and to render a judgment according to them and to Lewis
Ketchum, now deceased, all the rights of registered Delawares,
for the following reasons:

First. The act admitting them to Cherokee citizenship
and the payment of the amounts therein required conferred upon
each of them the rights of a registered Delaware.

Second. Under the acts of Congress prescribing the
duties of the Commission, it is the duty of the Commission to
accord to them the rights of registered Delawares.

The questions presented in this case are identical with those presented in the case of *Hannie K. Bartles, et al.,* February 181, et al., and for the reasons therein announced, the Commission is of the opinion that its former judgment herein, treating these applicants as citizens of the Cherokee Nation with the same rights as Cherokees by blood, is correct and ought not to be disturbed and that the motion to reopen and modify the judgment herein should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed) *James H. Hasty*
Chairman

(Signed) *T. B. Hodges*
Commissioner

(Signed) *D. R. Bruckner*
Commissioner

Board of Managers, Indian Territory,
this 24th day of January, 1908.

Tahlequah, L. T. May 27th 1904.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

You are hereby advised that the Cherokee Nation does not desire to file any protest against the decision of the Commission of date May 16th 1904 in the matter of the application for the enrollment of Lewis Ketchum et al as Cherokee citizens of Delaware and bleed, consolidating the applications of:

| | | |
|------------------------|-------|---------------|
| Lewis Ketchum et al | ----- | Del. #36 |
| Solomon Ketchum et al | | Del. #37 |
| Mary L. Thatcher et al | | Delaware #36. |

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 10097

Muskogee, Indian Territory, June 7, 1904.

Mary L. Thatcher,
Tusita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the Commission's decision dated May 16, 1904, granting, among others, your application for the enrollment of yourself and your two minor children, Sarah E. and Joel M. Thatcher, as citizens of the Cherokee Nation of Delaware blood.

Respectfully,

Encl. 4-17

Register.

Chairman.

Cherokee 10427-6

Waxahatchee, Indian Territory, July 21, 1906

E. L. KENNEDY,

Waxahatchee, Indian Territory.

Dear Sir:

The Commissioner is in receipt of your letters of July 11, asking to be allowed to file a motion to reopen Cherokee-Delaware enrollment case etc

Mary L. Thatcher,
Solomon Ketchum
Louis Ketchum.

Cherokee 10429,
Cherokee 10430,
Cherokee 10432.

You are accordingly hereby advised that you will be given fifteen days from date hereof within which to file your motion, as requested, copies of which you will be required to furnish the attorney for the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Cherokee 10427-8-
9-10429.

Muskogee, Indian Territory, August 2, 1904.

W. L. Kernagy,

Attorney for Frances C. Brown, et al.,

Viatta, Indian Territory.

Dear Sir:

In accordance with your request of July 22, there are herewith inclosed copies of testimony in Cherokee 10427, Mary L. Thatcher, et al.; Cherokee 10428, Solomon Ketchum, et al.; Cherokee 10429, Lewis Ketchum, et al.; Cherokee 10430, Frances C. Brown, et al.

There are also herewith inclosed blank receipts for said testimony which you are requested to sign and return to the Commission.

Respectfully,

Commissioner in Charge.

COPY

Cherokee-10077

Muskogee, Indian Territory, January 10, 1908.

Mary L. Thatcher,

Vinita, Indian Territory.

Dear madam:

There is herewith enclosed a copy of the Commission's decision dated January 7, 1908, denying the motion for review filed by you, asking the Commission to review your case and modify the judgment heretofore rendered therein.

Your attorney, W. H. Kernegay, of Vinita, has heretofore been furnished with a copy of the records and proceedings in this case and there has this day been forwarded to him a copy of the Commission's decision denying the said motion to review and modify the former judgment in your case. The records and proceedings have this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. H. KERNEGAY,
Attorney.

Encl. 00-00

Register

COPY.

Muskogee, Indian Territory, January 10, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Lewis Ketchum, et al., as citizens of the Cherokee Nation of Delaware blood, including the Commission's decision dated May 16, 1904, granting said applications; also the motion of Solomon Ketchum, Mary L. Thatcher and Elizabeth Ketchum to re-open said case as to themselves and Lewis Ketchum, now deceased, and to modify the Commission's judgment of May 16, 1904, and to render a judgment according to them all the rights of registered Delawareans, together with the Commission's decision dated February 7, 1905, denying said motion.

Respectfully,

Encl. 00-00.

(SIGNED)

Tams Bixby
Chairman.

COPY.

Del. 381 et al
Cher 10429 et al.

Muskogee, Indian Territory, January 1^l, 1906.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear sir:

There is herewith enclosed a copy of the Commission's decision dated January 12, 1906, denying the motion of Solomon Ketchum, Mary L. Thatcher and Elizabeth Ketchum to reopen and modify the judgment heretofore rendered in the consolidated case of Lewis Ketchum, et al., and to render a judgment according to the said Solomon Ketchum, Mary L. Thatcher, Elizabeth Ketchum and Lewis Ketchum, now deceased, all the rights of registered Delawares.

The record and proceedings, together with the Commission's decision denying said motion, has this day been forwarded to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tames Blady

Chairman.

Del. 381.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
3403-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 25, 1905.

(C O P Y)

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Office report of March 23, 1905 (Land 3404, 15069-1905), there is enclosed a report from the Commission to the Five Civilized Tribes transmitting the record relative to the application of Lewis Ketchum, et al., for enrollment as citizens of the Cherokee Nation of Delaware blood; also motion of Solomon Ketchum, Mary L. Thatcher and Elizabeth Ketchum to reopen said case as to themselves and Lewis Ketchum, now deceased, and to modify the Commission's decision of May 16, 1904, and to render a judgment according to them all the rights of registered Delawares, together with the Commission's decision of January 7, 1905, denying said motion.

Solomon Ketchum applied for the enrollment of himself and his children, Charles E., James S., Clarence R. and Joseph E. Ketchum. The wife of Solomon Ketchum was also included in the application, but she is differently classed and not embraced in the Commission's decision.

Joel T. Thatcher applied for the enrollment of himself as an intermarried citizen and for the enrollment of his wife,

Sarah L. Thatcher, and his minor children, Sarah E. and Joel M. Thatcher, as citizens of the Cherokee Nation of Delaware blood. Joel T. Thatcher being differently classed, is not included in the Commission's decision.

The Commission held May 16, 1904, that all of the applicants included in its decision were entitled to enrollment as citizens in the Cherokee Nation with all the rights of Cherokees by blood.

The record shows that on November 30, 1880, Lewis Ketchum and others were admitted to citizenship in the Cherokee Nation by act of the National Council of said Nation. The act of admission is as follows:

Be it enacted by the National Council that Lewis Ketchum and his wife Elizabeth Ketchum and his daughter Mary Ketchum and his son Solomon Ketchum, Delaware Indians, members of the late tribe of Delaware Indians in the State of Kansas, be and they are hereby admitted to all the rights and privileges of other Delaware residents in the Cherokee Nation, provided: That said Lewis Ketchum and Elizabeth Ketchum and Mary Ketchum and Solomon Ketchum first pay into the Treasury the sum of Two Hundred and Eighty-five Dollars each, the same being the amount paid by other Delaware residents now resident in and citizens of the Cherokee Nation.

It will be observed that the applicants were each required to pay into the treasury of the nation \$285.00. The record shows that the payments as required by the act of admission were made. The principal applicants and their attorney claim they are entitled to all the rights of registered Delaware. Their attorney has filed a brief in the case, and there is also a brief with the papers transmitted with Office report above referred to.

Their contention is not tenable. The Supreme Court of

United States, in the case of the Delaware Indians versus the Cherokee Nation (193 U. S., 127), held that only those Delawares whose names appear upon the roll of registered Delawares living at the date of the decree, February 23, 1904, were entitled to the rights granted by the Cherokee-Delaware agreement of 1867. Furthermore, the Comptroller of the Treasury, in opinion of March 1, 1905, held that Delawares known as "Kansas Delawares", which includes these applicants, are not entitled to participate in the distribution of the \$150,000.00 appropriated by the Act of April 21, 1904, for the Delaware tribe. I therefore respectfully recommended the approval of the Commission's decision holding that the applicants mentioned are entitled to enrollment as Cherokees with the same rights as Cherokees by blood, and that its decision of January 7, 1905, denying the motion to reopen the case and modify judgment, be also approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-CB

2 enclosures.

DEPARTMENT OF THE INTERIOR,

W. C. F.
FEB.

D. C. 17806-1905.
I. T. D. 3100-1905.

WASHINGTON, April 4, 1905.

L. R. S.

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

Gentlemen:

January 10, 1905, you transmitted the record in the matter of the application for the enrollment of Lewis Ketchum, et al, as citizens of the Cherokee Nation of Delaware blood, including your decision of May 16, 1904, granting said application. The record also contains a motion to reopen said case as to the applicants Solomon Ketchum, Mary L. Thatcher and Elizabeth Ketchum, and Lewis Ketchum, now deceased, and to modify your decision of May 16, 1904, so as to entitle said applicants to all the rights of Registered Delawares.

On January 7, 1905, you denied said motion. It appears that Lewis Ketchum, Elizabeth Ketchum, Mary L. Thatcher and Solomon Ketchum were on November 30, 1880, admitted to citizenship in the Cherokee Nation by act of the National Council.

Reporting March 25, 1905, the Indian Office recommends that your decisions of May 16, 1904 and January 7, 1905, be approved. A copy of his letter is inclosed.

Following the decision of the Department of March 31, 1906, in the case of Mary A. Tiblow, et al, it is considered that your decisions are correct, and they are hereby affirmed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

1 inclosure.

COPY

Cherokee 10427.

Muskogee, Indian Territory, April 17, 1905.

Mary L. Thatcher,

Vinita, Indian Territory.

Dear Madam:

You are advised that the Commission is in receipt of departmental letter of April 4, 1905, affirming the Commission's action of January 7, 1905, refusing to modify its decision of May 16, 1904, granting the application for your enrollment as a citizen of the Cherokee Nation of Delaware blood, so that you might be enrolled as a Registered Delaware.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED) *James Bixby*
Chairman.

COPY.

Charokey 10427,

et al.

Muskogee, Indian Territory, April 17, 1906.

W. H. Kornegay,

Attorney for Mary L. Thatcher, et al.,

Vinita, Indian Territory,

Dear Sir:

You are advised that the Commission is in receipt of departmental letter of April 3, 1906, affirming the Commission's action of January 7, 1904, refusing to modify its decision of May 16, 1904, granting the application for the enrollment of Mary L. Thatcher, et al., as citizens of the Cherokee Nation of Delaware blood, so that they might be enrolled as Registered Delawares.

Respectfully,

SIGNED

Tamm Blodgett

Chairman

COPY.

Cherokee 16487

et al.

Muskogee, Indian Territory, April 17, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are advised that the Commission is in receipt of departmental letter of April 5, 1905, affirming the Commission's action of January 7, 1905, refusing to modify its decision of May 16, 1904, granting the application for the enrollment of Mary L. Thatcher, et al., as citizens of the Cherokee Nation of Delaware blood, so that they might be enrolled as Registered Delawares.

Respectfully,

W. W. Hastings
Tama Kirby
Chairman

COPY

Cherokee 10227.

Muskogee, Indian Territory, April 29, 1905.

W. H. Kornagay,

Attorney for Mary L. Thatcher, et al.,

Vinita, Indian Territory.

Dear Sir:

In accordance with the request contained in your letter of April 20, 1905, there is herewith inclosed a copy of departmental letter of April 4, 1905, affirming the Commission's decisions granting the application for the enrollment of Mary L. Thatcher as a citizen of the Cherokee Nation of Delaware blood, and rejecting the application for her enrollment as a Registered Delaware.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Incl. 3-66

Cher 10428

Solomon Ketchum

Trans. from Del. # 37

(Old Series)

Cher 10428


Del 37.9

Del 37

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 29 1900



ACTING SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES,
WINTA, I. T., SEPTEMBER 27th, 1900.

IN THE MATTER OF THE APPLICATION OF Solomon Ketchum, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. W. Baskin, as follows:

Q What is your name? A Solomon Ketchum.
Q What is your age? A Forty nine last January.
Q What is your Postoffice? A Winta.
Q What district do you live in? A Delaware.
Q Are you recognized as a son of the Cherokee Nation? A Yes sir.
Q By blood? A No sir; Delaware by blood.
Q What degree of blood do you claim? A About a half blood I guess.
Q For whom do you apply for enrollment? A Myself and family.
Q Wife and children? A Yes sir.
Q What is the name of your wife? A Anna Ketchum.
Q Is she a citizen by blood? A She is a white person.
Q When did you marry her? A The twenty seventh of April, 1839.
Q What is her age? A Thirty.
Q Have you a certificate of marriage? A I have not.
Q What proof have you of your marriage? A There was a witness there, but he is not here.
Q Who married you? A Charles Tucker; he is dead now.
Q Where were you married? A About ten miles east of here.
Q Did he give you a certificate? A No sir; he said he would send the papers to Tahlequah.
Q Have you ever had the records at Tahlequah examined to see whether it was there or not? A No sir.

Q What are the names of your children? A Charles R.
Q How old is Charles R.? A Ten.
Q What is the name of the next one? A James S.
Q How old is James S.? A Eight.
Q The name of the next one? A Clarence R.
Q How old is he? A Three.
Q Next one? A Joseph R.
Q How old is he? A Two years old.

The applicant presents satisfactory proof as to the birth of his two younger children, Clarence R., and Joseph R.
Q Are these children all living and living with you? A Yes sir.
Q What was your wife's name before you married her? A Gough.
Q Have you been living with her continuously since your marriage? A Yes sir.

Q Are you living with her now? A Yes sir.
(1896 Roll, Page 622, 470, Solomon Ketchum, Delaware Dist)
(1896 Roll, Page 579, 425, Anna Ketchum, Delaware Dist)
(1896 Roll, Page 622, 411, Charles R. Ketchum, Delaware Dist)
(1896 Roll, Page 492, 338, James S. Ketchum, Delaware Dist)

Q You are a Shantee, are you? A No sir; Delaware.
Q You present a certified copy of an Act of the Cherokee Council, approved December 6th, 1890, signed by T. W. Baskin, Principal Chief of the Cherokee Nation, admitting among others, one Solomon Ketchum, as a citizen of the Cherokee Nation; also a receipt of the sum of \$200.00, paid into the Treasury of the Cherokee Nation; Are you the identical Solomon Ketchum mentioned in this Act? A I am.
Q How long have you lived in the Cherokee Nation? A Since September, 1891.
Q Continuously? A Yes sir.

Mary Ketchum, being called and sworn, testified as follows:

Q What is your name? A Mary Ketchum.
Q How old are you? A Fifty three.
Q What is your Postoffice? A Winta.
Q Do you know Solomon Ketchum? A Yes sir.
Q Do you know Anna, his wife? A Yes sir.

- Q Do you know whether they were married or not? A Yes sir.
- Q They were married? A Yes sir.
- Q Did you see them married? A No sir.
- Q Have they been living together as man and wife? A Yes sir.
- Q For how long? A Since 1909.
- Q They are living together now, are they? A Yes sir.
- Q Considered by the Community as man and wife? A Yes sir.
- Q Acknowledge themselves as man and wife, do they? A Yes sir.

The name of Solomon Ketchum appears upon the census roll of 1906, as well as the name of his wife, Annie, and children, Charles R. and James S., and he presents satisfactory proof of birth as to his two younger children, Clarence R., and Joseph R.. He presents no certificate of marriage, but makes proof of marriage. He, being duly identified according to the page and number of the roll, as indicated in the testimony, and making satisfactory proof of residence, the said Solomon Ketchum, and his children, Charles R., James S., Clarence R., and Joseph R., will be duly listed for enrollment by this Commission as Cherokees of blood of Delaware blood.

The name of his wife, Annie, is also found upon the census roll of 1906, and she will be listed now for enrollment by this Commission as a Cherokee of blood by intermarriage, when he files satisfactory proof of his marriage, or makes satisfactory proof of same. (Satisfactory proof of marriage has been made)

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. A. Crawley

Subscribed and sworn to before me
this 29th day of September, 1900.

A. M. [Signature]

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

13.

FILED

SEP 27 1900

Sub 37

CHEROKEES BY BLOOD AND ADOPTION.

Date: Sept 27 1900

(39)

Name Domin Ketchum

District Delaware Year 1896 Page 622 No. 30

Citizen by blood yes Indel Mother's citizenship

Intermarried citizen

Married under what law Delaware Date of marriage

License Delaware Certificate

Wife's name Ann

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

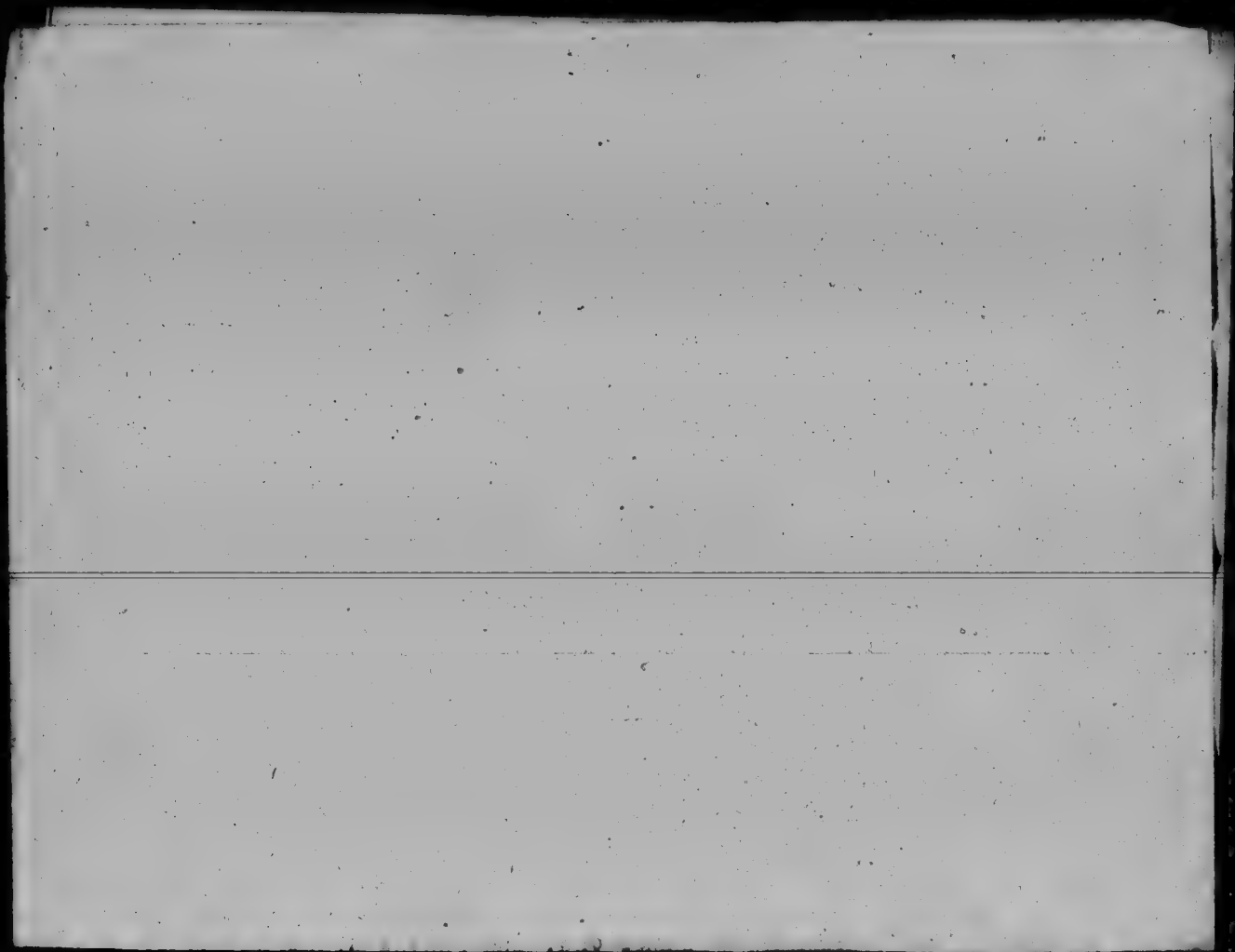
Married under what law Date of marriage

License Certificate

Names of Children:

| Name | Dist. | Year | Page | No. | Age |
|--------------------|----------|------|------|-----|-----|
| Charles E. Ketchum | Delaware | 1896 | 622 | 21 | 10 |
| James D. | " | " | 622 | 32 | 8 |
| Clarence R. | " | " | " | " | 3 |
| Joseph B. | " | " | " | " | 2 |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

4 and 5 affidavits - supplied Del. #37



BCJ

To be filed with
Delaware 37.

Delaware 38.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T.; November 14, 1903.

In the matter of the application of LEWIS KETCHUM for the enrollment of himself and his wife, ELIZABETH, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

ANDREW H. NORWOOD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Andrew H. Norwood.
Q How old are you? A 53 years old, and reside at Dewey, I.T.
Q You are a citizen by intermarriage, are you? A Yes sir, I became by a marriage to a Cherokee; my first wife was a Cherokee, and my last wife a Delaware.
Q How long have you lived in the Cherokee Nation? A 33 years.
Q Do you know Lewis Ketchum? A I do.
Q What is his postoffice? A I think it's Vinita.
Q Is he an old man about 93 years old? A Claims to be a hundred; he's fully 93, very old.
Q Is he a Delaware Indian? A Yes.
Q Do you know whether his name is on the Delaware Register?
A I think not.
Q Did he come down here when the Delawares came? A No sir.
Q When did they come to the Cherokee Nation? A I don't know the year, but I remember the time; I wrote the act that admitted him.
Q They were admitted here as Delawares by a special act of the Cherokee Council? A Yes sir, subsequent to the removal of the Delawares here, and a number of years afterward.
Q He and his family came in at the same time and claim that act as the Genesis of their right here? A Yes sir.
Q Have they ever been considered or recognized as Delawares?
A Not by the tribe or the people of the Delawares; in fact they only claimed an interest in the Delaware tribe.

JOHN YOUNG, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A John Young.
Q How old are you? A I'm about 57.
Q What is your postoffice address? A Weldon.
Q Are you a Delaware citizen of the Cherokee Nation? A Yes sir.
Q You are a full-blood Delaware, are you? A Yes sir.
Q Are you a member of the Delaware Business Committee? A Yes.
Q Do you know Lewis Ketchum? A Yes.

83

- Q What is his postoffice? A Vinita.
Q Is he a very old man now? A Oh, yes.
Q How long have you known him? A Well, I've known him 50 years anyhow.
Q Did he come down here with the Delawares? A No, no.
Q When did he come to the Cherokee Nation? A Well, I don't remember when it was, whether after ---
Q His name doesn't appear on the Delaware Register, does it?
A No.
Q Did all of the members of his family come here when he came?
A Yes.
Q How do they claim rights here? A I don't know; I couldn't tell you about that.
Q Do you know if they claim under the agreement between the Delawares and the Cherokees? A Yes.
Q Have they ever been recognized by the Delawares as members of the Delaware tribe who moved down here? A No.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 28th day of November, 1903.

Samuel Foreman

Notary Public.

BCJ

To be filed with
Delaware 37, Solomon Ketchum et al.

Delaware 38.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of LEWIS KETCHUM for
the enrollment of himself and his wife, ELIZABETH, as citizens
of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by
the Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I am 60 years old.
Q What is your postoffice address? A Ketchum.
Q You are a citizen by intermarriage of the Cherokee Nation,
are you not? A Yes sir.
Q How long have you been a citizen by intermarriage?
A I was married in '72.
Q And you are a member of the Cherokee Senate, are you not?
A Yes sir.
Q Do you know Lewis Ketchum? A Yes sir.
Q About how old is he? A Well, he must be pretty near a
hundred years old.
Q What is his postoffice? A He might get his mail at Vinita.
Q How long have you known him? A Oh, several years; ever
since he came to the country.
Q Is his wife's name Elizabeth? A Well, I swear I can't tell.
Q You know his wife? A Yes sir.
Q Lewis Ketchum claims to be a Delaware, does he not?
A Yes sir.
Q When did he come to the Cherokee Nation? A Well, it's been--
I don't know--- it's been over 15 years ago though.
Q Was it since 1880? A Yes, since 1880.
Q Do you know if his name is in the Delaware Register?
A I don't know.
Q He didn't come here with the Registered Delawares?
A No sir.
Q Do you know where he came from when he moved to this country?
A Came from Kansas City, I think; that's my understanding.
Q Is it your understanding he and his family were readmitted
here as Delawares? A Yes sir, they always been recognized
as such.

Lewis Ketchum et al., -2.

- Q Has he a daughter named Mary L. Thatcher? A Yes sir.
Q She came here with him? A Along about the same time, yes sir.
Q She had never been here before that? A I think not.
Q Has he a son named Solomon Ketchum? A Yes sir.
Q Solomon Ketchum came here at the same time? A Yes sir.
Q Has he any other children that came? A Well, I think not; he had a son named Todd, but he's dead.
Q Lewis Ketchum and his wife and daughter and son all came here about the same time? A Yes sir, along about the same time.
Q And they have all lived here ever since? A Ever since; they are recognized citizens of the country.

+++++

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 12th day of December, 1903.

Samuel Foreman

Notary Public.

MFM

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, December 5, 1903.

In the matter of the application of Solomon Ketchum for the enrollment of himself and children, Charles E., James S., Clarence R. and Joseph B. Ketchum, as Delaware citizens by blood of the Cherokee Nation.

Solomon Ketchum, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Solomon Ketchum.
Q How old are you? A Forty-two.
Q What is your post office? A My post office has been Vinita until I moved out into the country. It is Okose.
Q You are a Delaware citizen by blood of the Cherokee Nation, are you? A Yes sir.
Q You are a son of Lewis Ketchum? A Yes sir.
Q This is your father present? A Yes sir.
Q Do you claim your citizenship by reason of being admitted by the Cherokee National Council? A Yes sir.
Q When were you admitted? A In the month of November, 1880.
Q Were you admitted the same time your father was? A Yes sir.
Q You have heard his testimony just given, have you? A Yes sir.
Q Is the status of your case identical with his? A Yes sir.
Q Were you admitted in the same act that your father was? A Yes sir.
Q Your father stated that a copy of the act of your admission was filed with his case with the Daves Commission? A Yes sir, I give it to Mr. Reuter when he was here last winter; he wanted to take charge of it.
Q Mr. Reuter was Chief Clerk of the Cherokee Land Office at that time? A Yes sir.
Q When did you come to the Cherokee nation? A In September 1881.
Q Have you resided here continuously since that time? A Yes sir, with the exception of a few little trips to Southwest City, Seneca and Joplin pleasure trips.
Q You have never made your home outside of the Cherokee Nation since that time? A No sir.
Q Your wife is named Annie Ketchum? A Yessir.
Q She is a white woman? A Yes sir.
Q You and she are living together? A Yes sir.
Q You have children, Charles E., James S., Clarence R. and Joseph B.? A Yes sir; there is still another one, a small one.
Q It was born after the roll was closed? A Yes sir.
Q Are all of these children whose names I have called living at this time? A Yes sir.
Q You don't claim that your name is on the registers of Delawareans who came to the Cherokee Nation in 1868? A No sir, I think not.

By the Commission: A copy of the testimony just taken in the matter of the application for the enrollment as a citizen by Delaware blood of the Cherokee Nation of Lewis Ketchum, Delaware Card No. 38 will be filed and made a part of the record in this case.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R Palmer

Subscribed and sworn to before me this 7th day of December, 1903.

Samuel Foreman
Notary Public.

File with Delaware 37.

Delaware No. 38.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, December 5, 1903.

In the matter of the application of Lewis Ketchum for the enrollment of himself and his wife, Elizabeth Ketchum, as Delaware citizens by blood of the Cherokee Nation.

Lewis Ketchum, being duly sworn and examined by the Commission, testified as follows through Interpreter John H. Secondine:

- Q What is your name? A Lewis Ketchum.
- Q You are about ninety-three years old, are you? A Yes, about ninety-three or four.
- Q Is your post office Vinita? A Yes sir.
- Q You are a Delaware citizen by blood of the Cherokee Nation, are you? A Yes sir, I am a Delaware.
- Q How long have you resided in the Cherokee Nation? A About twenty-two years.
- Q Were you admitted to citizenship in the Cherokee Nation? A Yes sir, I was admitted by an act of the Cherokee Council.
- Q When was that, what date? A It was in '80, I think.
- Q Have you a copy of the act of your admission to citizenship? A I had the copies of them, but the Commission has them.
- Q The Daves Commission has it filed in your case? A I don't know whether it is the original, but I had a copy of it; Sol would know more about that.
- Q Sol, that is your son, is it? A Yes sir.
- Q Were you admitted to citizenship by reason of being a Delaware by blood? A He said, of course, he came in as a Delaware under the same conditions as the balance of the Delawares; he paid the same amount.
- Q You were a member of the Delaware Tribe up in Kansas, were you? A I always was a member of the Delaware tribe.
- Q You didn't elect to remove to the Cherokee Nation under the agreement between the Delawares and the Cherokees made April 8, 1867? A I didn't elect to move then right away for the reason that Mr. Journeysake told me I didn't have to go right away, and I could come any time. I wanted to stay because the Delawares was getting no price for the land, what it was really worth.
- Q Mr. Journeysake was the Chief of the Delawares up there, was he? A Yes sir, he was the Chief.
- Q And you thought it the best interest for you yourself to stay up there and you afterwards came down to the Cherokee Nation and was admitted as a Delaware? A Yes sir, that was my understanding about it.
- Q You don't claim then that your name is on what is known as the Delaware Register? A I don't know whether I was or not because it was left to the head man, whatever they thought they were doing they thought best.
- Q You didn't signify your willingness to come at that time, did you? A No, I didn't signify it at that time; I just took what old man Journeysake told me, that I could hold my land there and come in afterwards.
- Q Have you resided in the Cherokee Nation continuously since you came here in 1880 or 1881? A Yes sir, that is the reason I moved down here and I have stayed ever since.
- Q Your wife is named Elizabeth? A Yes sir.
- Q She is living, is she? A Yes sir, she is now at Mr. Thatchers.
- Q Were you married to her in Kansas? A Yes sir.
- Q Was she admitted to citizenship in the Cherokee Nation at the same time you were? A Yes sir, just the same.

3-

Q Did she come to the Cherokee Nation the same time you did? A Yes sir.

Q Has she resided here continuously since you have? A No, she's never been out.

Q Her case then is the same as yours? A Yes sir.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 7th day of December, 1908.

Samuel Foreman
Notary Public.

Usual

Indian Territory, 8/9 1907

Received of the Commission to the Five Civilized Tribes

one copy of the testimony in Cherokee 10429

Solomon Ketchum et al

W. H. K. Ketchum,

Attorney for applicant.

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

In the matter of the application of Lewis Ketchum, et al., for enrollment as citizens of the Cherokee Nation of Delaware blood consolidating the applications of --

| | | |
|------------------------|-------------|------------------|
| Lewis Ketchum, et al., | Delaware 38 | (Cherokee 10429) |
| Solomon Ketchum, | Delaware 37 | (Cherokee 10428) |
| Mary L. Thatcher, | Delaware 36 | (Cherokee 10427) |

DECISION ON MOTION TO RE-OPEN AND MODIFY JUDGMENT.

On May 16, 1904, the Commission rendered its decision in the above consolidated case, finding that all the applicants embraced therein were entitled to enrollment as citizens of the Cherokee Nation with the same rights as Cherokees by blood.

On August 27, 1904, the applicants, Solomon Ketchum, Mary L. Thatcher and Elizabeth Ketchum, widow of Lewis Ketchum, deceased, by their attorney, W. H. Kernegay, filed herein their motion to re-open said case and modify the judgment heretofore rendered, and to render a judgment according to them and to Lewis Ketchum, now deceased, all the rights of registered Delawares, for the following reasons:

First. The act admitting them to Cherokee citizenship and the payment of the amounts therein required conferred upon each of them the rights of a registered Delaware.

Second. Under the acts of Congress prescribing the duties of the Commission, it is the duty of the Commission to accord to them the rights of registered Delawares.

The questions presented in this case are identical with those presented in the case of Hannis M. Hartles, et al., Debarred 161, et al., and for the reasons therein announced, the Commission is of the opinion that its former judgment herein, enrolling these applicants as citizens of the Cherokee Nation with the same rights as Cherokees by blood, is correct and ought not to be disturbed and that the motion to reopen and modify the judgment herein should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

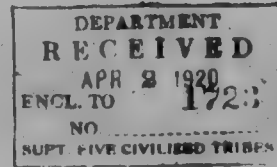
(Signed) Tomp Fitch
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. A. Brockinridge,
Commissioner.

Dated at Muskogee, Indian Territory,
this 7th day of January, 1906.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



WASHINGTON, March 26, 1920

I, E. B. Meritt, Assistant, Commissioner

of Indian Affairs, do hereby certify that the paper hereto attached

is a true copy of the original as the same

appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed on the day and year first
above written.



E. B. Meritt
Assistant Commissioner.

14 RE

Legation for England of

EMBAÏY, SMIL

James Jay Williams

in charge of the

James James

August 1890

James
Commissioner

1890

Department of the

Interior

Washington

July 20 1890

Edwards 10151

BY RE

in the presence of

Joseph ...

...

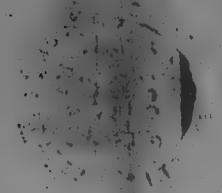
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...

Dec 27

DEPARTMENT OF THE ARMY
MISSION TO THE ...
SEP 27 1900

Delaware No 37



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

Application for Enrollment, as a citizen of the Cherokee Nation,
of Marion Roy Ketchum born on the 31 day of Aug., 1897
(Date in full sample child.)
Name of Father: Solomon Ketchum, a citizen of the Cherokee Nation.
Name of Mother: Annie Ketchum, a citizen of the Cherokee Nation.
Post-office Vinita - I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Annie Ketchum, on oath state that I am 30
years of age and a citizen, by adoption of the Cherokee Nation;
that I am the lawful wife of Solomon Ketchum, who is a citizen, by
adoption of the Cherokee Nation; that a male child was
(male or female)
born to me on the 9/11 day of Aug., 1897; that said child has been
named Marion Roy Ketchum, and is now living.

WITNESSES TO SIGN:

Annie Ketchum

Must be Two
Witnesses

Subscribed and sworn to before me this 20 day of Sept., 1900
Jno E Butler
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Solomon Ketchum, on oath state that I
attended on Mrs. Annie Ketchum, wife of Solomon Ketchum,
on the 31 day of Aug., 1897, that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Marion Roy Ketchum.

WITNESSES TO SIGN:

Solomon Ketchum

Must be Two
Witnesses

Subscribed and sworn to before me this 20th day of Sept., 1900.
Jno E Butler
NOTARY PUBLIC

JN RE

Application for Enrollment of

INFANT CHILD

Joseph B. Spillane

of address of the

SPILLANE Nation.

Joseph B. Spillane
Commissioner.

10/31

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20250

IN RE

Application for Enrollment of

INFANT CHILD

Wm. B. Keith

of the

State of *Ill.*

1871

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WASHINGTON

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
Joseph B. Kitchum born on the 16th day of Aug, 1849.
(Here insert name of child.)
 Name of Father: Salomon Kitchum citizen of the Cherokee Nation.
 Name of Mother: Annice Kitchum citizen of the Cherokee Nation.
 Post-office W. H. H. H.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Northwestern District.

I, Annice Kitchum, on oath state that I am 16
 years of age and a citizen, by Adoption of the Cherokee Nation;
 that I am the lawful wife of Salomon Kitchum, who is a citizen, by
Admission of the Cherokee Nation; that a male child was
 born to me on the 16th day of August, 1849; that said child has been
 named Joseph B. Kitchum, and is now living.

WITNESSES TO MARK:
 (Must be Two Witnesses.)

Subscribed and sworn to before me this 10th day of Sept, 1860

 SOLEMY POWER.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Northwestern District.

I, Elizabeth H. H., on oath state that I
 attended on Mrs. Annice Kitchum wife of Salomon Kitchum,
 on the 16th day of Aug, 1849; that there was born to her on
 said date a male child; that said child is now living and is said to have been
 named Joseph B. Kitchum.

WITNESSES TO MARK:
 (Must be Two Witnesses.)

Subscribed and sworn to before me this 10th day of Sept, 1860

 SOLEMY POWER.

Tahlequah, I. T. May 27th 1904

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

Gentlemen:

You are hereby advised that the Cherokee Nation does not desire to file any protest against the decision of the Commission of date May 16th 1904 in the matter of the application for the enrollment of Lewis Ketchum et al as the one-half blood of Delaware blood, consolidating the application of

Lewis Ketchum et al
Solomon Ketchum et al
Mary K. Thatcher et al Delaware

Respectfully,

W. V. Hastings
Attorney for the Cherokee Nation

Cherokee 10436

Muskogee, Indian Territory, June 7, 1904.

Solomon Ketchum,

Okese, Indian Territory.

Dear sir:

There is herewith inclosed a copy of the Commission's decision dated May 16, 1904, granting, among others, your application for the enrollment of yourself and your four minor children, Charles E., James B., Clarence R. and Joseph B. Ketchum, as citizens of the Cherokee Nation of Delaware blood.

Respectfully,

Encl. V-16

Register.

Chairman.

Muskogee, Indian Territory, July 23, 1906.

W. H. KORNHAY,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letters of July 19, asking to be allowed to file a motion to reopen Cherokee-Delaware enrollment cases of:

Mary L. Thatcher,
Solomon Ketchum
Louis Ketchum

Cherokee 10427,
Cherokee 10428,
Cherokee 10429.

You are accordingly hereby advised that you will be given fifteen days from date hereof within which to file your motions, as requested, copies of which you will be required to furnish the attorney for the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Cherokee 10427-9
10428

McAlester, Indian Territory, August 2, 1904.

V. E. Kernoggy,
Attorney for Frances G. Brown, et al.,
Vinita, Indian Territory.

Dear Sir:

In accordance with your request of July 20, there are herewith inclosed copies of testimony in Cherokee 10427, Mary L. Thatcher, et al.; Cherokee 10428, Solomon Ketchum, et al.; Cherokee 10429, Lewis Ketchum, et al.; Cherokee 10430, Frances G. Brown, et al.

There are also herewith inclosed blank receipts for said testimony which you are requested to sign and return to the Commission.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee 3044a.

Muskogee, Indian Territory, January 10, 1906.

Solomon Ketchum,

Okese, Indian Territory.

Dear sir:

There is herewith enclosed a copy of the Commission's decision dated January 7, 1906, denying the motion heretofore filed by you, asking the Commission to reopen your case and modify the judgment heretofore rendered therein.

Your attorney, W. H. Korhagy, of Vinita, has heretofore been furnished with a copy of the records and proceedings in this case and there has this day been forwarded to him a copy of the Commission's decision denying the said motion to reopen and modify the former judgment in your case. The records and proceedings have this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. H. K. *James Blahy*
Chairman

Encl. 00-00

Register.

COPY.

Muskogee, Indian Territory, January 10, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Lewis Ketchum, et al., as citizens of the Cherokee Nation of Delaware blood, including the Commission's decision dated May 16, 1904, granting said applications; also the motion of Solomon Ketchum, Mary L. Thatcher and Elizabeth Ketchum to re-open said case as to themselves and Lewis Ketchum, now deceased, and to modify the Commission's judgment of May 16, 1904, and to render a judgment according to them all the rights of registered Delawareans, together with the Commission's decision dated January 7, 1906, denying said motion.

Respectfully,

Encl. 69-80.

WICHITA

Tame Bixby

Chairman.

COPY.

Del. 881 et al
Cher 10429 et al.

Muskogee, Indian Territory, January 11, 1905.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear sir:

There is herewith enclosed a copy of the Commission's decision dated January 12, 1905, denying the motion of Solomon Ketchum, Mary L. Thatcher and Elizabeth Ketchum to reopen and modify the judgment heretofore rendered in the consolidated case of Lewis Ketchum, et al., and to render a judgment according to the said Solomon Ketchum, Mary L. Thatcher, Elizabeth Ketchum and Lewis Ketchum, now deceased, all the rights of registered Delawares.

The record and proceedings, together with the Commission's decision denying said motion, has this day been forwarded to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 05-6.

SIGNED: *Jame Bixby*
Chairman.

COPY.

Vol. 36 et al.
Cher. 19429 et al.

Muskogee, Indian Territory, January 11, 1905.

W. H. Kornegy,

Attorney for Elizabeth Ketchum, et al.,
Vinita, Indian Territory.

Dear sir:

There is herewith enclosed a copy of the Commission's decision dated January 7, 1905, denying the motion to reopen and modify the judgment heretofore rendered, granting the application for the enrollment of Solomon Ketchum, Lewis Ketchum, Mary L. Thatcher and Elizabeth Ketchum as citizens of the Cherokee Nation of Delaware blood.

The decision with a copy of the proceedings in this case has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc100- 9.

Register.

W. H. Kornegy,
Chairman.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

Land,
3403-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 25, 1905.

(C O P Y)

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Office report of March 23, 1905 (Land 3404, 15069-1905), there is enclosed a report from the Commission to the Five Civilized Tribes transmitting the record relative to the application of Lewis Ketchum, et al., for enrollment as citizens of the Cherokee Nation of Delaware blood; also motion of Solomon Ketchum, Mary L. Thatcher and Elizabeth Ketchum to reopen said case as to themselves and Lewis Ketchum, now deceased, and to modify the Commission's decision of May 16, 1904, and to render a judgment according to them all the rights of registered Delawares, together with the Commission's decision of January 7, 1905, denying said motion.

Solomon Ketchum applied for the enrollment of himself and his children, Charles E., James E., Clarence R. and Joseph B. Ketchum. The wife of Solomon Ketchum was also included in the application, but she is differently classed and not embraced in the Commission's decision.

Joel T. Thatcher applied for the enrollment of himself as an intermarried citizen and for the enrollment of his wife,

Sarah L. Thatcher, and his minor children, Sarah E. and Joel M. Thatcher, as citizens of the Cherokee Nation of Delaware blood. Joel T. Thatcher being differently classed, is not included in the Commission's decision.

The Commission held May 16, 1904, that all of the applicants included in its decision were entitled to enrollment as citizens in the Cherokee Nation with all the rights of Cherokees by blood.

The record shows that on November 30, 1880, Lewis Ketchum and others were admitted to citizenship in the Cherokee Nation by act of the National Council of said Nation. The act of admission is as follows:

Be it enacted by the National Council that Lewis Ketchum and his wife Elizabeth Ketchum and his daughter Mary Ketchum and his son Solomon Ketchum, Delaware Indians, members of the late tribe of Delaware Indians in the State of Kansas, be and they are hereby admitted to all the rights and privileges of other Delawarees now residents in the Cherokee Nation; Provided: That said Lewis Ketchum and Elizabeth Ketchum and Mary Ketchum and Solomon Ketchum first pay into the Treasury the sum of Two Hundred and Eighty-five Dollars each, the same being the amount paid by other Delawarees now resident in and citizens of the Cherokee Nation.

It will be observed that the applicants were each required to pay into the treasury of the nation \$285.00. The record shows that the payments as required by the act of admission were made. The principal applicants and their attorney claim they are entitled to all the rights of registered Delawarees. Their attorney has filed a brief in the case, and there is also a brief with the papers transmitted with Office report above referred to.

Their contention is not tenable. The Supreme Court of

United States, in the case of the Delaware Indians versus the Cherokee Nation (193 U. S., 127), held that only those Delawares whose names appear upon the roll of registered Delawares living at the date of the decree, February 23, 1904, were entitled to the rights granted by the Cherokee-Delaware agreement of 1867. Furthermore, the Comptroller of the Treasury, in opinion of March 1, 1905, held that Delawares known as "Kansas Delawares", which includes these applicants, are not entitled to participate in the distribution of the \$150,000.00 appropriated by the Act of April 21, 1904, for the Delaware tribe. I therefore respectfully recommended the approval of the Commission's decision holding that the applicants mentioned are entitled to enrollment as Cherokees with the same rights as Cherokees by blood, and that its decision of January 7, 1905, denying the motion to reopen the case and modify judgment, be also approved.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

GFW-03

2 enclosures.

DEPARTMENT OF THE INTERIOR,

V. C. F.
PER.

D. C. 17806-1906.
I. T. D. 3100-1906.

WASHINGTON. April 4, 1906.

L. R. S.

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

Gentlemen:

January 10, 1905, you transmitted the record in the matter of the application for the enrollment of Lewis Ketchum, et al, as citizens of the Cherokee Nation of Delaware blood, including your decision of May 16, 1904, granting said applications. The record also contains a motion to reopen said case as to the applicants Solomon Ketchum, Mary L. Thatcher and Elizabeth Ketchum, and Lewis Ketchum, now deceased, and to modify your decision of May 16, 1904, so as to entitle said applicants to all the rights of Registered Delawares.

On January 7, 1905, you denied said motion. It appears that Lewis Ketchum, Elizabeth Ketchum, Mary L. Thatcher and Solomon Ketchum were on November 30, 1880, admitted to citizenship in the Cherokee Nation by act of the National Council.

Reporting March 25, 1905, the Indian Office recommends that your decisions of May 16, 1904 and January 7, 1905, be approved. A copy of his letter is inclosed.

Following the decision of the Department of March 31, 1905, in the case of Mary A. Tibble, et al, it is considered that your decisions are correct, and they are hereby affirmed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee 1042A.

Muskogee, Indian Territory, April 17, 1905.

Solomon Ketchum,

Okeee, Indian Territory.

Dear Sir:

You are advised that the Commission is in receipt of departmental letter of April 4, 1905, affirming the Commission's action of January 7, 1905, refusing to modify its decision of May 16, 1904, granting the application for the enrollment of yourself, et al., as citizens of the Cherokee Nation of Delaware blood, so that you might be enrolled as Registered Delaware.

You are further advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

SIGNED: *James Bixby.*
Chairman.

COPY.

Cherokee 18487,

et al.

Muskogee, Indian Territory, April 17, 1908.

V. H. Kornegay,

Attorney for Mary L. Thatcher, et al.,

Vinita, Indian Territory.

Dear Sir:

You are advised that the Commission is in receipt of departmental letter of April 4, 1908, affirming the Commission's action of January 7, 1905, refusing to modify its decision of May 16, 1904, granting the application for the enrollment of Mary L. Thatcher, et al., as citizens of the Cherokee Nation of Delaware blood, so that they might be enrolled as Registered Delawares.

Respectfully,

SIGNED, *Jams Birby*
Chairman.

COPY.

Cherokee 10487

et al.

Muskogee, Indian Territory, April 17, 1908.

V. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are advised that the Commission is in receipt of departmental letter of April 4, 1908, affirming the Commission's action of January 7, 1908, refusing to modify its decision of May 16, 1904, granting the application for the enrollment of Mary L. Thatcher, et al., as citizens of the Cherokee Nation of Delaware blood, so that they might be enrolled as Registered Delawares.

Respectfully,

SIGNED: *James Bixby*
Chairman.

Cher 10429

(Jacket missing)

Cher 10429

Cher 10430

Louisa McNairn

Trans. from Del. # 39

(Old Series)

Cher 10430

Del 39 A

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1900

[Handwritten signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 28, 1900.

In the matter of the application of Louisa McNaim for enrollment as a citizen of the Cherokee Nation of Delaware blood, said McNaim being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name, please? A Louisa McNaim.
Q How old are you? A 21.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Only myself.
Q You apply as a Cherokee by blood? A Yes, sir. Cherokee or Delaware one.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me your father's name? A Freeman Nidiffer.
Q He Cherokee or white man? A Cherokee.
Q Dead or alive? A Alive.
Q Your mother's name, please? A Mary Nidiffer.
Q Cherokee or white woman? A Delaware.
Q Is she dead or alive? A Alive.
Q In what district did you live in 1880? A Delaware.
Q You are married, are you? A Yes, sir.
Q When were you married? A May 28, 1899.
Q To whom were you married? A Walter Cobb McNaim.
Q Have you a certificate of your marriage? A Yes, sir, but did not bring it with me.
Q You have someone here who was acquainted with you before you married? A John Chandler.

Q John A. Chandler, being sworn and examined, testified as follows

Q Give me your name? A John A. Chandler.
Q What is your post office? A Vinita.
Q Are you an uncle of this lady, here Mrs. McNaim? A Yes, sir.
Q What was her maiden name? A Nidiffer.
Q She was married a year ago last Spring? A I think about that time.
Q To Mr. McNaim? A Yes, sir.

1880 enrollment; page 293, #1884, Louisa Sabina Neidiffer, Delaware.

1896 enrollment; page 224, #3550, Louisa S. Nidiffer, Coowees-coowee.

Com'r Breckinridge:--The applicant is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life. Her change of name arises from her marriage since her enrollment in 1896. This marriage is established by her own and her uncle's testimony. She will be listed now for enrollment as a Cherokee Delaware.

---ooo000ooo---

J. W. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of September, 1900.


Commissioner.

73.
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900

[Handwritten Signature]
ACTING CHAIRMAN

1901

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 28 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen.....

Married under what law Date of marriage

License Certificate

Wife's name *Louisa Mc Nair* *Hensta J.*

District *AWARE* Year *1880* Page *293* No. *1884*

Citizen by blood *Del-cher* Mother's citizenship *Greenan Weidiffer-c-l*

Intermarried citizen *no* *Mary* " *- Del-l*

Married under what law Date of marriage *May 1849*

License Certificate

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|-------|-------|-------|-------|
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On 1880 Roll as Louisa Sabina Weidiffer

Kel. 39

Belmont 19

Washington, D.C. Territory, March 26th, 1938

Wtrs. Loxess

d/o

Ventia, L. Olan

COMMISSION TO EXAMINE AND REPORT ON THE INTERIOR

WAS 32803
N I R I D

COMMUNIT

Delaware #59.

Muskogee, Indian Territory, March 25th, 1903.

Mrs. Louise Smith,
c/o E. M. Smith,
Vinita, Indian Territory.

Dear Madam:

The marriage license and certificate filed with the Commission, showing your marriage on December 17th, 1902, to E. M. Smith, is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Chairman.

Enc. C-111.
JOC.

Cher 10431

Sarah E. Haff

Trans. from Del. #40
(Old Series)

Cher 10431

Elizabeth Char... -2.

1890 enrollment page 101, 102, Jackson Park, Delaware.
1891 enrollment page 101, 102, Littleton, Delaware.
1892 enrollment page 101, 102, Chesapeake, Delaware.

Conr Breckinridge: - I am a citizen of this State for the enrollment of her two children by a former husband. She does not apply for herself as since the death of her former husband she has married a white man. She is sworn to her testimony in addition to her own to have known the father of said children, the father of these children and he is identified on the roll of 1880 as an adopted Delaware. He died some 11 years ago. These two children are identified on the roll of 1890 as being living at this time. They have lived in the State since their birth and they will be listed now for enrollment as being Delawareans.

--- 000 ---

J. O. Rogers, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of October, 1900.

100-100-100

DC 1 1800
F I T I D
FOR THE LIVE CHINTESS NUMBER
OFFICE OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T. SEPTEMBER 28, 1900.

In the matter of the application of Elizabeth Richardson for the enrollment of her two children, Sarah E. and Joserphine J. Hall, as citizens of the Cherokee Nation of Delaware blood; said Richardson, being sworn by Commissioner C. H. Breckinridge, testified as follows:

- Q Give me your name, please? A Elizabeth Richardson.
Q How old are you? A 48.
Q What is your post office? A Vinita.
Q In what district do you live? A I live seven miles southeast of Vinita. Cooweescoowee, I think.
Q Who is it you want to have put on the roll? A My two children!
Q Are you Cherokee? A No, sir, I married a registered Delaware and he died.
Q And then you re-married? A Yes, sir, but never lived with him.
Q You married a white man? A Yes, sir.
Q You apply for how many children? A Two children.
Q Give me their names please? A Sarah E. Haff.
Q How old is Sarah? A She is 15.
Q And the next one? A Joserphine J. Haff, 11 years old.
Q These children both living now are they? A Yes, sir.
Q What is the name of their father? A Joseph Haff.
Q HE was a Delaware? A Yes, sir.
Q You say he is dead? A Yes, sir.
Q When did he die? A He has been dead 11 years.
Q When did you marry him? A It has been about 18 years ago since I married him.
Q Where did you marry him? A Eight miles southeast of Vinita. Uncle Charlie Tucker married us.
Q Was he a native Cherokee? A Yes, sir.
Q Did he live in the Cherokee Nation all his life? A Yes, sir, he come from Kansas with the Delawares when they come.
Q Have you a certificate of your marriage to him? A I had one, but I lost it.
Q You lived with him about seven years and then he died? A Yes, sir.
Q Lived all the time in the Cherokee Nation? A Yes, sir.
Q Who here knew you as his wife? A Will Gentry.

William Gentry, being sworn and examined, testified as follows:

- Q Give your name? A William Gentry.
Q How old are you? A 29.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A 12 years.
Q You know this applicant here, Mrs. Richardson? A Yes, sir.
Q She has been married before has not she? A Yes, sir.
Q What was the name of her former husband? A Haff.
Q Joseph Haff? A Yes, sir.
Q Did they have children? A Yes, sir.
Q Recognized as children of that marriage? A Yes, sir, two.
Q And they also lived in the community as husband and wife and as their parents? A Yes, sir.

Elizabeth Richardson further testified:

- Q These children lived in the Cherokee Nation all their lives, have they? A Yes, sir.

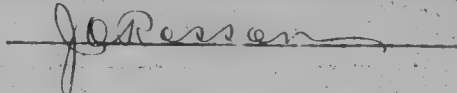
Elizabeth Richardson---2.

1880 enrollment; page 267, #1261, Joseph Haff, Delaware.
1896 enrollment; page 621, #28, Sadie E. Haff, Delaware.
1896 enrollment; page 621, #29, Joserphine J. Haff, Delaware.

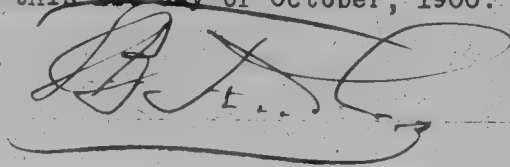
Com'r Breckinridge:--The applicant applies for the enrollment of her two children by a former husband: She does not apply for herself as since the death of her Cherokee husband she has married a white man. She is shown by personal testimony in addition to her own to have been the wife of Joseph Haff, the father of these children and who is identified on the roll of 1880 as an adopted Delaware. He died some 11 years ago. These two children are identified on the roll of 1896. They are living at this time. They have lived in the Cherokee Nation all their lives and they will be listed now for enrollment as Cherokee Delawares.

---ooo000ooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 1st day of October, 1900.



Commissioner.

Del 40 B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900

[Signature]
ACTING CHAIRMAN.

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 28 1900 1900.

Name Vivita, J. J.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District Parents Elizabeth Year 40 Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Names of Children: | Dist. | Year | Page | No. | Age |
|--------------------|-----------|------|------|-----|-----|
| 1 Sarah E. Huff | DELAWARE. | 1896 | 621 | 28 | 15 |
| 2 Josephine J. | DELAWARE. | " | 621 | 29 | 11 |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
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| | Dist. | Year | Page | No. | Age |

1 On 1896 Roll as Radic, E. Huff

Vol. 40

No. 1504 PA 40

Lizzie Richardson

vs

Perry Richardson

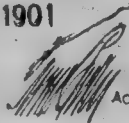
Journal Entry

Copies
sent

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

FILED

10 1901



ACTING CHAIRMAN

IN SENATE
JANUARY 27, 1901.

27

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x

... Court, ...
... the ...
... by ...
... the ...
... the ...

by the Court

Joseph A. Giles

... Court
...
...

Lizzie Haff, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Lizzie Haff.
- Q. How old are you? A. I am 47.
- Q. What is your post office address? A. Vinita.
- Q. You are a white woman, are you? A. Yes, sir.
- Q. You were married to a man by the name of Haff?
- A. Yes, sir.
- Q. Joseph Haff? A. Yes, sir.
- Q. Did you have any children by that husband? A. Two.
- Q. What are their names? A. Sara E. and Jone Josephine.
- Q. Is it Jane Josephine or Josephine Jane? A. I don't know just how they got it there. It is Josephine Jane.
- Q. After the death of Joseph Haff, you married a white man, did you? A. Yes, sir.
- Q. Have you been residing in the Cherokee Nation ever since you were married to Joseph Haff? A. Yes, sir; I never been out of the Nation since I married.
- Q. Have these two children ever been out of the Nation since they were born? A. No, sir.
- Q. They are both living now? A. Yes, sir.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a correct transcript of his stenographic notes thereof.

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 28th, 1903.

-----X
In the matter of the application of Sarah E.)
Haff for the enrollment of herself and her)
sister, Josephine J. Haff, as citizens of)
the Cherokee Nation of Delaware blood.)
-----X

Supplemental to
Delaware #40.

Lizzie Haff, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Lizzie Haff.
Q. How old are you? A. I am 47.
Q. What is your post office address? A. Vinita.
Q. You are a white woman, are you? A. Yes, sir.
Q. You were married to a Delaware by the name of Haff?
A. Yes, sir.
Q. Joseph Haff? A. Yes, sir.
Q. Did you have any children by that husband? A. Two.
Q. What are their names? A. Sarah E. and Jone Josephine.
Q. Is it Jane Josephine or Josephine Jane? A. I don't know
just how they got it there. It is Josephine Jone.
Q. After the death of Joseph Haff you married a white man,
did you? A. Yes, sir.
Q. Have you been residing in the Cherokee Nation ever since
you were married to Joseph Haff? A. Yes, sir; I never been out
of the Nation since I married.
Q. Have these two children ever been out of the Nation since
they were born? A. No, sir.
Q. They are both living now? A. Yes, sir.

Jesse O. Carr on oath states that as stenographer to the
Commission to the Five Civilized Tribes he reported the above
entitled case and that the foregoing is a correct transcript
of his stenographic notes thereof.

Subscribed and sworn to before me this ^{15th} day of April, 1903.

Jesse O. Carr
Samuel Fortman
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I. T., August 22, 1904.

In the matter of the application for the enrollment, as citizens of the Cherokee Nation, of Sarah E. and Josephine J. Haff.

Josephine J. Johnson (formerly Haff) being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Josephine J. Johnson.
Q How old are you? A 14.
Q What is your postoffice address? A Oglesby.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Under what name were you enrolled? A Haff.
Q Have you got a sister named Sarah E. Haff? A Yes sir.
Q Have you married since you were enrolled? A Yes sir.
Q When were you married? A The 8th of August 1903.
Q Who were you married to? A William Johnson.
Q Is he a citizen? A No sir.
Q Are you and William Johnson living together now? A Yes sir.

Sarah E. Smith (formerly Haff) being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Sarah E. Smith.
Q What is your age? A 18.
Q What is your postoffice address? A Oglesby.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Have you a sister named Josephine J. Johnson? A Yes sir.
Q Have you married since you were enrolled? A Yes sir.
Q When were you married? A 2nd of October 1903.
Q Who were you married to? A Fred Smith.
Q Is he a citizen? A No sir.
Q Are you and he living together now? A No sir.
Q Have you ever been divorced? A No sir.
Q Just separated? A Yes sir.

I, J. F. Gaskill, being duly sworn, state that as stenographer for the Commission to the Five Civilized Tribes, I correctly recorded the foregoing proceedings and testimony in the above application for the enrollment, and that the same is a true and correct transcript of my stenographic notes.

Subscribed and sworn to before me
this 21 day of Aug. 1904.

J. F. Gaskill
Notary Public.

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

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

REFER IN REPLY TO THE FOLLOWING

Delaware 40

ALLISON L. AVLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tabbagonah, Indian Territory, December 17, 1903.

Lizzie Richardson,

Vinita, Indian Territory.

Dear Madam:

In carrying out instructions from the Secretary of the Interior, relative to making the Delaware segregation, the Commission desires to ascertain what land, to the extent of 160 acres for each, was selected and occupied by a descendant of said deceased registered Delaware.

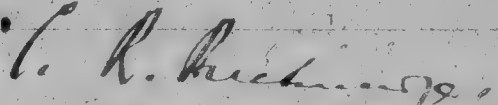
Your minor child, Josephine J. Haff, appears upon the Commission's records as an applicant for enrollment as a Cherokee citizen of Delaware blood but not of sufficient age to be upon the Delaware register. Presumably she claims to be a descendant of some ancestor whose name does appear upon that register.

If her ancestor or ancestors were registered Delawares and are now deceased, you are requested to furnish the Commission, on the enclosed blank form and plat, with a separate description of any land selected and occupied by each of said deceased ancestors, not exceeding 160 acres for each, and which land is now held in possession by you for your minor child; and the 160 acres respectively, above referred to, is intended to mean the 160 acres containing the principal improvements made by the deceased ancestor.

L.R.--8.

You are desired to furnish this information by return mail. The Commission is proceeding along other lines to obtain the data necessary to making the Delaware segregation, but it prefers to give you an opportunity to furnish this additional information before finally acting in the case of your child. It cannot, however, delay for your reply.

Respectfully,



Commissioner in Charge
Cherokee Land Office.

MH
Encl-K-4

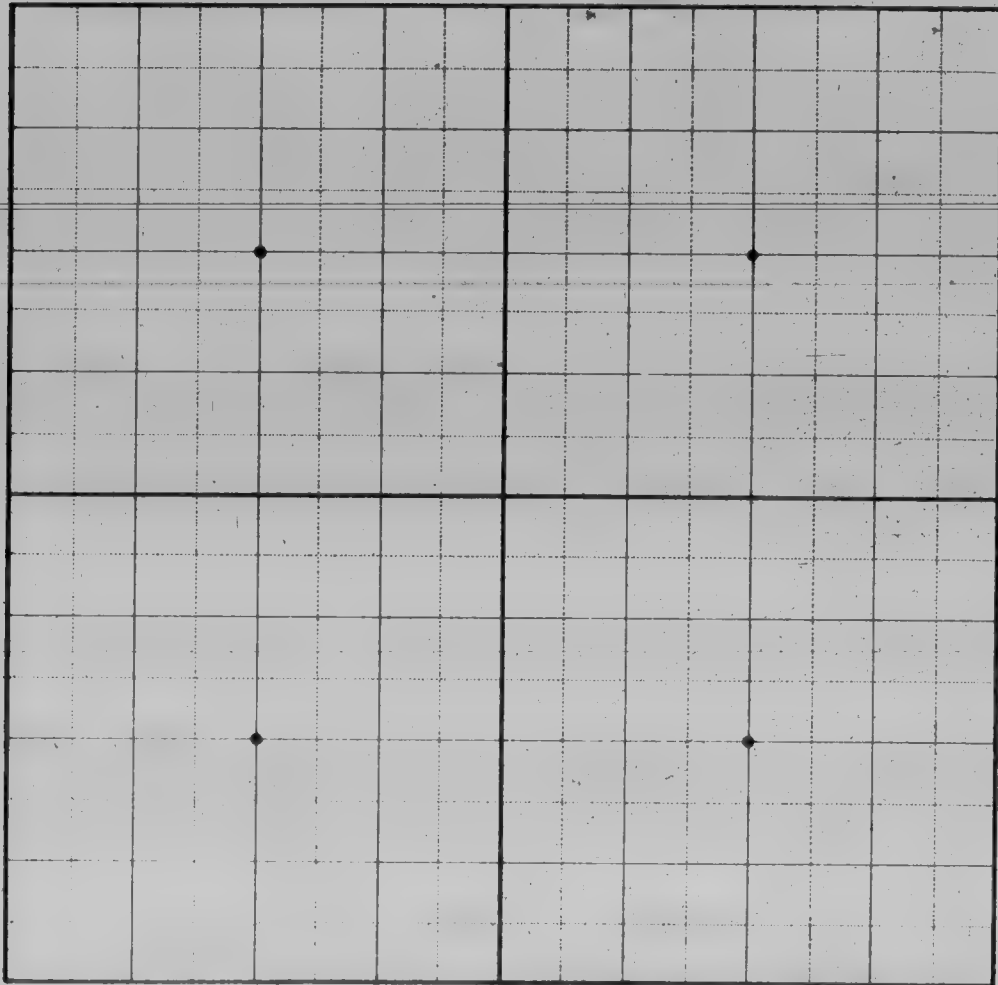
Josephine J. Waff

(50)

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.

CHEROKEE LAND OFFICE.

Township No. N. Range No. E.
Sec. Sec.



Sec.

Sec.

✓

DESCENDANTS.

Delaware Card No. 40

Josephine J. Kaff

Application to
The Commission to the Five Civilized Tribes
to have land included in the
Delaware segregation of the Cherokee Nation.

_____, I.T., _____, 1903.

What is your full name? _____

What is your age? _____

What is your postoffice address? _____

Which of your ancestors were registered Delawares? _____

Give their names (English and Delaware)? _____

State which of said ancestors are dead, and when and where they died? _____

What land in the Cherokee Nation was improved and held during their lifetime by such deceased ancestors who were registered Delaware as? _____

Give separate description by township, range and section numbers if possible, of land and number of acres held by each, and the nature of their improvements. _____

DESCENDANTS , -2.

What part of this land do you now hold for yourself and family?

Have you or your ancestors held this land continuously since it was improved by your ancestor who was a registered Delaware?

Does anyone else claim any part of this land, and if so, who, and what part?

Are such claimants descendants of the registered Delaware who originally improved it?

Witnesses:
(Must be two witnesses
if by mark.)

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

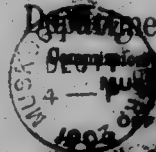
Notary Public.

1898
MAY 4
JAN 1898

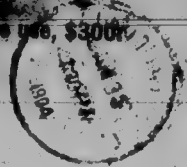
VINITA INDI
MAY 4
1898

1875
T. A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z.

Department of the Interior
Commissioner of the Five Civilized Tribes
Muskogee, Okla. Terr.
OFFICIAL BUSINESS



Penalty for private use, \$3000



Return to Writer
UNCLAIMED

~~Lisa Richardson,~~
Vinita, Indian Territory.

This envelope can only be used for reply to official communications. The address MUST NOT be changed.

RETURN PENALTY ENVELOPE.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

~~MUSKOGEE,~~
Tablequah
IND. TER.

Cher 10432

Lillic Creek

Trans. from Del. #42

(Old Series)

Cher 10432

Lillie Creek et al 2

the said Lillie Creek, her children, Sullivan, John W. and Arizona will be duly stated enrollment by this Commission as Cherokee citizens and were married, and her husband as a Cherokee citizen by inheritance.

RECEIVED
COMMISSION TO THE
DEPARTMENT OF
INDIAN AFFAIRS

W. J. Green

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this 29 day of September 1900.

C. W. Beaulieu

Commissioner.

5075

Copy furnished to the Department of Indian Affairs, Bureau of Indian Affairs, Washington, D. C.

APPLICANT AND CHILDREN DELAWARES:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 28, 1900.

In the matter of the application of Lillie Creek for the enrollment of herself, husband and children as Cherokee citizens, herself and children by Delaware blood; being sworn to and examined by Com'r Needles. He testified as follows:

Q What is your name? A Lillie Creek.
Q What is your age? A 23 years old.
Q What is your post-office? A Ketchum.
Q What district do you live in? A Delaware District.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q Shawnee or Cherokee? A I am a Delaware.
Q Who do you want to have enrolled? A Myself and I have got three children.
Q Have you got a husband? A Yes sir.
Q Do you want to enroll him? A He is a white man.
Q What is your father's name? A Jeff Zanes.
Q Your mother's name? A Matilda Zanes.
Q Are they living? A Yes sir.
Q What was your name before your marriage? A Lillie Zanes.
Q When were you married? A 1892.
Q What is your husband's name? A Elmer Creek.

Q A white man? A Yes sir.
Q How old is he? A 31.
Q Where is he? A He is here.
Q You apply for him then? A Yes sir.
Q Have you got a certificate of marriage? A Yes sir.
Com'r Needles: The applicant presents certified copy of marriage license and certificate of marriage certifying that Elmer Creek a citizen of the United States married one Miss Lillie Zanes a citizen of the Cherokee Nation on the 20th day of August 1892.

Q Are you living with your husband? A Yes sir.
Q What are the names of your children? A The oldest one is named Sullivan.
Q How old is Sullivan? A 11 years old.
Q Has he got any middle name? A No sir.
Q What is the name of the next one? A John.
Q How old is John? A He is 7 years old.
Q Has he got any middle name? A John W.
Q What is the name of the next one? A Arizona.
Q Has she got any middle name? A No sir.
Q How old is she? A 4 years old.
Q What is the name of the next one? A 3 is all I have got.
Q Are they alive and living with you? A Yes sir.

1880 roll page 214 #3540 Lillie Zanes Cooweescoowee District;
1896 roll page 619 #4 Lillie Creek Delaware District;
1896 roll page 568 # --- Elmer Creek "
1896 roll page 619 #5 Sullivan Creek "
1896 roll page 619 #6 John W. Creek # "
1896 roll page 619 #7 Arizona Creek "

Com'r Needles: The name of Lillie Creek appears upon the authenticated roll of 1880 as Lillie Zanes, her maiden name, as a Cherokee citizen by Delaware blood; she makes satisfactory proof of her marriage with one Elmer Creek a white citizen in the year 1892 and the name of Elmer Creek as well as the name of herself Lillie Creek is found upon the census roll of 1896; the names of her children, Sullivan, John W. and Arizona are also found upon the census roll of 1896; they all being duly identified according to page and number and having made satisfactory proof as to their residence

Lillie Creek et al 2

the said Lillie Creek and her children, Sullivan, John W. and Arinena will be duly stated in enrollment by this Commission as Cherokee citizens of Delaware blood, and her husband as a Cherokee citizen by intermarriage.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he accurately recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this 29 day of September 1900.


C. W. Green

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

73-

FILED
SEP 25 1900


ACTING CHAIRMAN

Del 42

CHEROKEES BY BLOOD AND ADOPTION.

Name Lillian Creek Date SEP 28 1900 1900

District _____ Year 1890 Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen yes Delaware

Married under what law _____ Date of marriage _____

License yes Certificate _____

Wife's name Lillie Creek nee James

District GOOWEESCOOWEE Year 1880 Page 214 No. 3540

Citizen by blood yes Del Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| | | | | | | |
|---|-----------------------|-----------------------|------------------|-----------------|--------------|---------------|
| 2 | <u>Sullivan Creek</u> | Dist. <u>DELAWARE</u> | Year <u>1846</u> | Page <u>419</u> | No. <u>5</u> | Age <u>11</u> |
| 3 | <u>John W. "</u> | Dist. <u>DELAWARE</u> | Year <u>1846</u> | Page <u>619</u> | No. <u>6</u> | Age <u>25</u> |
| 4 | <u>Arizona "</u> | Dist. <u>DELAWARE</u> | Year <u>1846</u> | Page <u>619</u> | No. <u>7</u> | Age <u>25</u> |
| | | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |

in 1880 names Lillie James

Del 42

Del 42 C

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED
SEP 28 1900

[Signature]
ACTING CHAIRMAN

License.

Cherokee

any person authorized

between Mr. Elmer Crick a citizen of the Cherokee Nation and Lillie Zaines a citizen of the Cherokee Nation the usual customs and laws of the Cherokee Nation required to return this license to me for renewal ten days from the celebration of such marriage with a copy of the same appended thereto and signed by you.

Given under my hand and seal of office this the 23rd day of Aug. A.D. 1900.

J.R. Hastings
Clerk of the Cherokee Nation

I, J. M. ... clerk of Delaware ... hereby certify that on the 23rd day of August 1900 ... marriage Mr. Elmer Crick a citizen of the United States and Miss Lillie Zaines a citizen of the Cherokee Nation to the aforesaid ... in the license and ... laws of the Cherokee Nation.

Given under my hand this the 23 day of Aug.

I, ... do hereby certify that the ... taken from the ... records of Delaware ... Nation; that said records have been filed in the office of said Nation by law and are in my possession. Given under my hand and the seal of the Cherokee Nation at Tahlequah I.T. this the 4th day of September 1900.

B. W. Alberty
Assistant Executive Secretary

POOR ORIGINAL -
BEST AVAILABLE COPY

Del. 42 D.

IN RE

Application for Enrollment of

INFANT CHILD

Maurice Creek

as a citizen of

CHEROKEE NATION.

Approved

MAR 22 1901

190

C. H. McKinzie
Commissioner.

For Sale by Leader Printing Co., Vinita.

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

FILED
MAR 22 1901

[Signature]
ACTING CHAIRMAN.

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Thornce Creek, born on the 9 day of Feb, 1901
(here insert name of child)
Name of Father: Olmer Creek, a citizen of the Cherokee Nation.
Name of Mother: Lillie Creek, a citizen of the Cherokee Nation.
Post-office, Ketchum

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Lillie Creek, on oath state that I am 28
years of age and a citizen, by Blood of the Cherokee Nation;
that I am the lawful wife of Olmer Creek, who is a citizen, by
Adoption of the Cherokee Nation, that a Female child was
(male or female)
born to me on the ninth day of Feb 1901; that said child has been
named Thornce, and is now living.

WITNESSES TO MAKE:

(Must be two
Witnesses.)

Subscribed and sworn to before me this 16 day of March 1901.

Jeff. D. Sexton
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, A. Foster, Medical Dr. on oath state that I
attended on Mrs. Lillie Creek, wife of Olmer Creek
on the ninth day of February, 1901; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Thornce

WITNESSES TO MAKE:

(Must be two
Witnesses.)

Subscribed and sworn to before me this 20 day of March 1901.

Jeff. D. Sexton
NOTARY PUBLIC.

Del 42

Subscribed and sworn to before me this June 3, 1903.

E. C. Baskwell

E. C. Baskwell

Notary Public.

thereof.
the foregoing is an accurate transcript of his stenographic notes
testimony and proceedings had in the above entitled cause; and that
Commissioner to the Five Civilized Tribes, he correctly recorded the
E. C. Baskwell, an oath states that, an stenographer to the

COMMISSIONER TO THE
FIVE CIVILIZED TRIBES
JUN 3 1903

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., March 16, 1903.

In the matter of the application of LILLIE CREEK, for the enrollment of herself and her children, SULLIVAN, JOHN W., ARIZONA and FLORENCE CREEK, as citizens of the Cherokee Nation of Delaware blood :

ELMER CREEK, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A Elmer Creek.
Q How old are you ? A I am thirty three years old.
Q What is your post office ? A Centralia.
Q Are you a citizen of the Cherokee Nation ?
A Yes I just married a right here.
Q You are an intermarried citizen ? A Yes sir.
Q What is your wife's name ? A Lillie.
Q Is she a Delaware by blood ? A Yes sir.
Q How old is she ? A She is ~~sixty~~ either thirty or thirty one I think she will be thirty one in September.
Q When were you and Lillie married ?
A In 1892, the 28th day of August.
Q Has your wife been living in the Cherokee Nation all her life ?
A Yes sir.
Q Have you and she been living together ever since you were married ? A Yes sir.
Q In the Cherokee Nation ? A Yes sir.
Q How many children have you got ? A I have got two.
Q What are their names ? A Arizona and Florence.
Q These two are your children by your wife Lillie ?
A Yes sir.
Q Did she have some children when you married her ?
A She had one when we was married, and had one about six months after we was married.
Q Had she ever been married before she married you ?
A No sir.
Q What is the oldest child's name ? A Sullivan.
Q He is enrolled as Sullivan Creek ? A Yes sir, we always called him that because me and her lived together.
Q How old is he ? A Fourteen.
Q Who is the next one, John W. ? A Yes sir.
Q How you are in pretty near the same position, you are said to be the father of all of these children. A No sir.
Q That's the way I have it here; do you know who the father of Sullivan is ? A Ben Half.
Q Was he a Cherokee ? A He was a Delaware.
Q Is he also the father of John W. ?
A I can't tell you a thing about that.
Q You say that child was born about six months after you were married ? A Yes sir.
Q That might be yours then ? A Well I don't think it is, anyway I never did claim it.
Q You don't know who the father of it is ? A No sir, she never did tell me.
Q Does she say it is yours or somebody's else ?
A She never did tell me whose it was.
Q These four children are all living ? A Yes sir.
Q Have lived in the Cherokee Nation all their lives ? A Yes sir.
Q Is your wife living ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this June 3, 1908.

Simon R. Wallingstick

Notary Public.

Cher 10433

Leander Lunday

Trans. from Del. #43

(Old Series)

Cher 10433

2 1143

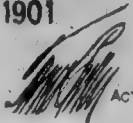
Original transcript.
foregoing copy, and that the
Arthur G. Crombier, before duly sworn, stated that an attendance

Subscribed and sworn to before me on the 14th day of November, 1901.

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

FILED

NOV 20 1901



ACTING CHAIRMAN

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T. September 28th, 1900.

In the matter of the application of Leander Lunday for the enrollment of himself and wife and children as Cherokee citizens.

The said Leander Lunday, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please? A Leander Lunday.

Q How old are you? A Twenty-six.

Q What is your postoffice? A Vinita.

Q In what district do you live? A Delaware.

Q Who is it you want to have put on the roll? A Myself and wife and two children.

Q Do you apply as a Cherokee by blood? A Delaware.

Q What is your wife? Q White.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Give me your wife's name? A Fannie H.

Q How old is she? A Twenty-three.

Q What was her maiden name? A Zinn.

Q Was that her name when you married her? A Yes, sir.

Q When did you marry her? A In 1894.

Q Have you a certificate of marriage? A Yes, sir.

THE COMMISSIONER: The applicant presents a certificate showing that he was married to his wife, as stated by him, on the 23rd of December, 1894, the ceremony being performed by Rev. J. D. Edwards, This is filed herewith.

Q Now, have you and your wife lived together ever since you were married? A Yes, sir.

Q And in the Cherokee Nation? A Yes, sir.

Q Give me the names of your children? A Martha L.

Q How old is that child? A Five years old.

Q The next child? A Frank F.

Q How old is Frank? A He is a year old.

Q And both living now, are they? A Yes, sir.

1880 roll, page 279, No. 1520, Leander Lundy, Delaware District, Adopted Delaware.

1896 roll, page 622, No. 52, Leander Lundy, Delaware District.

1896 roll, page 580, No. 310, Fannie H. Lundy, Delaware District.

1896 roll, page 622, No. 53, Martha L. Lundy, Delaware District.

THE COMMISSIONER: The applicant applies for the enrollment of himself, his wife and two children. He is identified on the rolls of 1880 and 1896 as an adopted Delaware. He has lived in the Cherokee Nation all his life, and he will be listed now for enrollment as an adopted Delaware. His wife is shown to have married him in 1894, and she is identified with him on the roll of 1896. They have lived together in the Cherokee Nation ever since their marriage and she will be listed for enrollment as a Cherokee by intermarriage. Their child, Martha L., is identified with her parents on the roll of 1896; she is living now and she will be listed for enrollment as a Cherokee Delaware, and when satisfactory proof of birth is supplied to the Commission for the younger child, Frank F., it also will be listed for enrollment as a Cherokee-Delaware.

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

(Signed) Wm. S. Wellshear.

Subscribed and sworn to before me this 17th day of October
A. D. 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of November, 1901.

Wm. Green
Notary Public
Commissioner.

7B
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900



ACTING CHAIRMAN

Dec 43

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

1 ²⁶ Leander Lunday, Vinita, 29
Name DELAWARE. Date SEP 28 1900 1900.
District Year 1890 Page 279 No. 1520

Citizen by blood Del. Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

2 Wife's name

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children:

3 Martha L. Lunday DELAWARE. Year 1896 Page 622 No. 53 Age 5

+ Frank F. Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 On 1890 Roll as Leander Lunday
+ Affidavit to be supplied.

Del. Has

Li
IN RE

Application for Enrollment of

INFANT CHILD

Frank L. Lindsay

as a citizen of the

Cherokee Nation.

Approved *[Signature]* 1900

[Signature]
Commissioner.

Vol 43

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 28 1900

Vol Card No 43

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of *Graud L Sunday*, born on the *8th* day of *Aug*, 1899
(Here insert name of child.)
Name of Father *Leander Sunday*, a citizen of the *Cherokee* Nation.
Name of Mother *Fannie H Sunday*, a citizen of the *Cherokee* Nation.
Post-office *Vinita, I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District.
I, *Fannie H Sunday*, on oath state that I am
years of age and a citizen, by *Adoption*, of the *Cherokee* Nation;
that I am the lawful wife of *Leander Sunday*, who is a citizen, by
Adoption, of the *Cherokee* Nation; that a *male* child was
(male or female)
born to me on the *8th* day of *Aug*, 1899, that said child has been
named *Graud L Sunday*, and is now living.
Fannie H Sunday

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this *28* day of *Sept*, 1900.

John E. Beuten
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Northern District.
I, *B F Fortner*, a *Physician*, on oath state that I
attended on Mrs. *Fannie H Sunday*, wife of *Leander Sunday*,
on the *8th* day of *August*, 1899; that there was born to her on
said date a *male* child; that said child is now living and is said to have been
(male or female)
named *Graud L Sunday*.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this *21* day of *Sept*, 1900.

John E. Beuten
NOTARY PUBLIC

10433



Application for Enrollment of
INFANT CHILD

Florence Lena Lunday
as a citizen of

CHEROKEE NATION

Approved

100

[Handwritten signature]
Commissioner

For Sale by Leder Printing Co., Vineta.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 24 1902

[Handwritten signature]

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Florence Lena Lunday, born on the 13 day of Feb, 1902. Name of Father: Leander Lunday, a citizen of the Cherokee Nation. Name of Mother: Fannie A. Lunday, a citizen of the Cherokee Nation. Post-office: Vinita Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, Fannie A. Lunday, on oath state that I am years of age and a citizen, by blood that I am the lawful wife of Leander Lunday, who is a citizen, by blood of the Cherokee Nation, that a Female child was born to me on the 13 day of Feb, 1902; that said child has been named Florence Lena Lunday, and is now living.

WITNESSES TO MARK:

Must be two Witnesses.

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

Jeff. D. Sexton

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, J. C. Krebs, on oath state that I attended on Mrs. Fannie A. Lunday, wife of Leander Lunday on the 13 day of Feb, 1902; that there was born to her on said date a Female child; that said child is now living and is said to have been named Florence Lena Lunday.

WITNESSES TO MARK:

Must be two Witnesses.

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

Jeff. D. Sexton

NOTARY PUBLIC.

Cher 10434

George W. Brown

Trans. from Del. #44

(Old Series)

Cher 10434

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 29, 1900.

In the matter of the application of GEORGE W. BROWN for enrollment as a DELAWARE by blood; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A George W. Brown.
 - Q What is your age? A 28.
 - Q What is your post office address? A Bib Cabin.
 - Q You a recognized citizen of the Cherokee Nation? A Yes, sir.
 - Q By blood? A I am a Delaware.
 - Q What district do you live in? A Delaware district.
 - Q How much Delaware blood have you got? A My grandfather was a full blood and my grandmother was a half blood and my father was a white man.
 - Q Who do you desire to enroll? A Just myself.
 - Q What is the name of your father? A John A. Brown.
 - Q He living? A Yes, sir.
 - Q A white man? A Yes, sir.
 - Q What is the name of your mother? A Frances O. Brown.
 - Q She living? A Yes, sir.
 - Q She a Cherokee citizen by blood? A No, sir, a Delaware.
- (On 1880 roll, page 229, No. 244, George Brown, Delaware district; on 1886 roll, page 309, No. 87, George W. Brown, Ocoee district.)
- Q How long have you lived in the Cherokee Nation? A Lived here all my life.
 - Q Live there now? A Yes, sir.

Handwritten marks and scribbles on the left margin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 28, 1900.

In the matter of the application of GEORGE W. BROWN for enrollment as a DELAWARE by blood; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A George W. Brown.
Q What is your age? A 23.
Q What is your post office address? A Bib Cabin.
Q You a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A I am a Delaware.
Q What district do you live in? A Delaware district.
Q How much Delaware blood have you got? A My grandfather was a full blood and my grandmother was a half blood and my father was a white man.
Q Who do you desire to enroll? A Just myself.
Q What is the name of your father? A John A. Brown.
Q He living? A Yes, sir.
Q A white man? A Yes, sir.
Q What is the name of your mother? A Frances G. Brown.
Q She living? A Yes, sir.
Q She a Cherokee citizen by blood? A No, sir, a Delaware.
(On 1880 roll, page 280, No. 244, George Brown, Delaware district;
on 1890 roll, page 320, No. 27, George W. Brown, Delaware district.)
Q How long have you lived in the Cherokee Nation? A Lived here all my life.
Q Live there now? A Yes, sir.

The name of George W. Brown is found upon the authenticated roll of 1880 as George Brown, and upon the census roll of 1890 as George W. Brown, and he being duly identified as a Delaware Indian by blood, according to the page and number of the roll as indicated in the testimony, he will be duly listed for enrollment by this Commission as a Delaware Indian by blood.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 2nd of October, 1900.

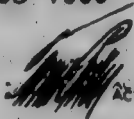
J. B. [Signature]

Commissioner.

Dil 44 B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 29 1900



ACTING CHAIRMAN.

v

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900 1900.

Name George W. Brown

District DELAWARE.

Year 1880

Page 229 No. 343

Citizen by blood yes Mother's citizenship Del.

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

~~Dist. Year Page No. Age~~

~~Dist. Year Page No. Age~~

~~Dist. Year Page No. Age~~

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~~Dist. Year Page No. Age~~

in 1880 under George Brown

Feb 44

Cher 10435

Cleora A. Lunday

Trans. from Del. #45

(Old Series)

Cher 10435

Commissioner of the Indian Civilized Tribes,
Wash. D. C., October 1, 1900.

In the matter of the application of Cleora A. Lunday for the enrollment of herself as a Cherokee citizen; being sworn and examined by Commissioner Needles she testified as follows:

Q What is your name? A Cleora A. Lunday.
Q How old are you? A 22.
Q What is your post-office address? A Needmore.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? By blood?
A Yes sir.
Q What degree of blood do you claim? A 1/4
Q For whom do you apply? A Myself.
Q Any-one else? A No sir.
Q What is your father's name? A Robert J. Lunday.
Q What is your mother's name? A Louisa Lunday.
Q Are they living? A My father is living.
Q Your mother is dead? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was
born here.
Q Lived here all your life? A Yes sir.
1880 roll page 279 #1822 Cleora A. Lundy Delaware District.
1898 roll page 222 #40 Cleora A Lundy Delaware District.

Com'r Needles: The name of Cleora A. Lunday appears upon the
authenticated roll of 1880 as well as the census roll of 1898, and
she being duly identified and having made satisfactory proof as to
residence she will be duly listed for enrollment as a Cherokee
citizen by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 1, 1900.

In the matter of the application of Cleora A. Lunday for the enrollment of herself as a Cherokee citizen; being sworn and examined by Commissioner Needles she testified as follows:

Q What is your name? A Cleora A. Lunday.
Q How old are you? A 22.
Q What is your post-office address? A Needmore.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? By blood?
A Yes sir.
Q What degree of blood do you claim? A 1/4
Q For whom do you apply? A Myself.
Q Any-one else? A No sir.
Q What is your father's name? A Robert J. Lunday.
Q What is your mother's name? A Louisa Lunday.
Q Are they living? A My father is living.
Q Your mother is dead? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q Lived here all your life? A Yes sir.
1880 roll page 279 #1522 Cleora A. Lundy Delaware District.
1896 roll page 622 #40 Cleora A Lundy Delaware District.

Com'r Needles: The name of Cleora A. Lunday appears upon the authenticated roll of 1880 as well as the census roll of 1896; she being duly identified and having made satisfactory proof as to residence she will be duly listed for enrollment as a Cherokee citizen by blood.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this 1st day of October 1900.

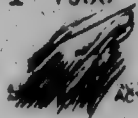
C. H. Needles

Commissioner.

Del 45-73

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1955



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 1 - 1900 1900.

Name Needmore D.S.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Cleora A Sunday

District DELAWARE Year 1880 Page 279 No. 1522

Citizen by blood yes Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Dist. | Year | Page | No. | Age |
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1 m 1880 call as Cleora A Sunday

Del 45

Cher 10436

Elula G. Smith

Trans. from Del. #46

(Old Series)

Cher 10436

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 14th day of November, 1901.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

NOTARY PUBLIC

NOV 30 1901

Arthur G. Croninger

[Signature]

Notary Public.

NOTARY PUBLIC

Handwritten notes:
10
7
10

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 1, 1900.

In the matter of the application of William R. Smith for enrollment of himself, as a Cherokee by intermarriage, and his wife and four children as Delawares: being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your name? A William R. Smith.

Q How old are you? A I am 44.

Q What is your post office? A Afton.

Q In what district do you live? A Delaware.

Q Who is it you want to have put on the roll? A Myself, my wife and four children.

Q Do you apply for yourself as a Cherokee by blood? A No, sir, by adoption.

Q Your wife is a Cherokee, is she? A No, sir, a Delaware.

Q Have you your marriage license and certificate?

(The applicant presents a duly authenticated Cherokee license issued by the Clerk of Delaware District Decr. 12, 1884, authorizing his marriage to Miss Elulah Lunday, and the certificate shows that they were married in accordance with said license by the Rev. L. S. Byrd, December 14 of the same year. This is filed herewith.)

Q You and your wife lived together in the Cherokee Nation ever since you were married, have you? A Yes, sir.

Q How old is your wife? A 32 years old.

Q She a native of the Cherokee Nation? A Yes, sir.

Q Born here? A Yes, sir.

Q Lived here all her life? A Yes, sir.

Q Give me the name of her father? A Robert J. Lunday.

Q Dead or alive? A Alive.

Q The name of her mother? A Louisa Lunday.

Q Dead or alive? A She is dead.

Q How long has she been dead? A Been dead about 6 years.

Q Give me the names of your children, please? A Ruby I., 8 years old.

Q The next child, please? A Jasper E., 6 years old.

Q The next child? A Margaret Louise, 4 years old.

Q Your next child? A Ella C. 2 months old.

Q All living now, are they? A Yes, sir.

(On 1880 roll, page 279, No. 1518, Eulah G. Lundy, Delaware District, adopted Delaware; on 1896 roll page 624, No. 76, Elula G. Smith, Delaware district. William G. Smith on 1896 roll, page 588, No. 487, William P. Smith, Delaware District. Ruby I. Smith on 1896 roll, page 624, No. 77, Rubie I. Smith, Delaware District. Jasper E. Smith on 1896 roll, page 624, No. 78, Jasper Smith, Delaware District. Margaret L. Smith on 1896 roll, page 624, No. 79, Margaret Smith, Delaware District.)

Q Your wife's name at present is Elulah G. Smith? A Yes, sir.

The applicant applies for the enrollment of himself, his wife and four children. His wife is identified on the rolls of 1880 and 1896, she has lived in the Cherokee Nation all her life, her change of name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as an adopted Delaware. The applicant is shown to have married his wife in 1884, they have lived together ever since their marriage, and he is identified with her on the roll of 1896. He will be listed now for enrollment as a Cherokee by intermarriage. Their four children, the first three are identified with their parents on the roll of 1896, they are living now, and will be listed for enrollment as Cherokee-Delawares. When the proper certificate of birth of the youngest child, Ella C., is supplied to the Commission, this child will be listed for enrollment as a Cherokee-Delaware.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce G. Jones.

Sworn to and subscribed before me this the 2nd of October, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of November, 1901.

M. D. Green
Notary Public.

Del 46 B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1898

[Handwritten signature]

ACTING CHAIRMAN.

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 1 1900

Name Apton J. J.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Chula G. Smith

District DELAWARE Year 1880 Page 279 No 1578

Citizen by blood Delaware Mother's citizenship Rott J. Lunday

Intermarried citizen No. Louisa

Married under what law Date of marriage

License Certificate

Names of Children:

| Names of Children: | Dist. | Year | Page | No. | Age |
|--------------------|-----------|------|------|-----|-------|
| 2 Ruby J. Smith | DELAWARE. | 1896 | 624 | 77 | 8 |
| 3 Jasper E. " | " | " | 624 | 78 | 6 |
| 4 Margaret L. " | " | " | 624 | 79 | 4 |
| 5 Ella C. " | " | " | " | " | 2 mos |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

- 1 On 1880 Roll as Chula G. Lunday
- 2 " 1896 " " Ruby J. Smith
- 3 " " " " Jasper
- 4 " " " " Margaret
- 5 Affidavit to be supplied

Red # 116

IN RE

Application for Enrollment of

INFANT CHILD

AS
Joseph A. Warner

is a citizen of the

Sherokee Nation.

Approved, *January 30* 1901

J. H. ...
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 30 1901

[Signature]
ACTING CHAIRMAN.

Del Card No 35

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

IN RE Application for Enrollment, as a citizen of the *Cherokee* Nation,
of *Rosy A. Warner* born on the *28* day of *January*, 1897
(Here insert name of child.)
Name of Father *William Warner*, a citizen of the *Cherokee* Nation.
Name of Mother *Eliza Warner*, a citizen of the *Cherokee* Nation.
Post-office, *Winta*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, *Eliza Warner*, on oath state that I am *30*
years of age and a citizen, by *admission*, of the *Cherokee* Nation;
that I am the lawful wife of *William Warner*, who is a citizen, by
adoption, of the *Cherokee* Nation; that a *Female* child was
(male or female)
born to me on the *28* day of *January*, 1897; that said child has been
named *Rosy A. Warner*, and is now living.

WITNESSES TO MARK:
Eliza Warner

(Must be Two Witnesses.)

Subscribed and sworn to before me this *3* day of *Oct*, 190*0*.
Jno C Butler
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, *Jane Marker*, a *Midwife*, on oath state that I
attended on Mrs. *Eliza Warner*, wife of *William Warner*,
on the *28* day of *January*, 1897; that there was born to her on
said date a *Female* child; that said child is now living and is said to have been
(male or female)
named *Rosy A. Warner*.

WITNESSES TO MARK:
Jane Marker

Subscribed and sworn to before me this *27* day of *Sept*, 190*0*.
Jno C Butler
NOTARY PUBLIC.

Del 466-

20

IN RE

Application for Enrollment of

INFANT CHILD

Ellas Smith

as a citizen of the

Sherokee Nation.

Approved,

Oct 1 1900
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 1 1900

Del No 46,

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

IN RE Application for Enrollment, as a citizen of the *Cherokee* Nation,
of *Ella C. Smith*, born on the *24* day of *July*, 1900.
(Here insert name of child.)
Name of Father: *William K. Smith*, a citizen of the *Cherokee* Nation.
Name of Mother: *Eula G. Smith*, a citizen of the *Cherokee* Nation.
Post-office, *Lea, N.C.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District.

I, *Eula Gertrude Smith*, on oath state that I am *Thirty* years of age and a citizen, by *blood*, of the *Cherokee* Nation; that I am the lawful wife of *William K. Smith*, who is a citizen, by *adoption*, of the *Cherokee* Nation; that a *female* child was (male or female) born to me on the *24* day of *July*, 1900; that said child has been named *Ella Cavise*, and is now living.

WITNESSES TO MARK:

Eula Gertrude Smith

(Must be Two Witnesses.)

Subscribed and sworn to before me this *19* day of *September*, 1900.

W. S. Sutton
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District.

I, *Lallie Perdue*, a *Midwife*, on oath state that I attended on Mrs. *Eula G. Smith*, wife of *William K. Smith*, on the *24* day of *July*, 1900; that there was born to her on said date a *Female* child; that said child is now living and is said to have been named *Ella Cavise*.

WITNESSES TO MARK:

Lallie Perdue

(Must be Two Witnesses.)

J. G. Clark
B. S. ...

Subscribed and sworn to before me this *19* day of *September*, 1900.

W. S. Sutton
NOTARY PUBLIC.

Cher 10437

Mary Baker

Trans. from Del. #48

(Old Series)

Cher 10437

Cherokee-Delawares. When the Commission is supplied with proper certificate of the birth of the youngest child, Louya, this child will also be listed for enrollment as a Cherokee-Delaware.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes

W. M. ...

Subscribed and sworn to before me this 1st day of October, 1900.

W. M. ...

Commissioner.

1006782

RECEIVED
OCT 1 1900
F. I. T. B. D.
COMMISSION TO THE FIVE CIVILIZED TRIBES
ENROLLMENT OF THE WARRIORS

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1, 1900.

In the matter of the application of Sarah Smith for enrollment of herself, husband and five children, as citizens of the Cherokee Nation, said Smith being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Sarah Smith.
Q How old are you? A 33.
Q What is your postoffice? A Ketchum.
Q In what district do you live? A Delaware.
Q Who do you want to have put on the rolls? A Myself, husband and five children.
Q Are you a Cherokee by blood? A I am a registered Delaware, but my husband is a Cherokee.
Q How long have you lived in the Cherokee Nation? A Ever since I was 6 years old I guess.
Q You are on the roll of '80? A Yes.
Q What was your father's name? A Haff. Israel Haff.
Q Alive or dead? A Dead.
Q Been dead more than 20 years? A 19 years.
Q What is your mother's name? A Mary.
Q Is she dead? A No sir.
Q When were you married? A '82.
Q To whom were you married then? A William A. Smith.
Q Is he the same husband you are living with now? A Yes.
Q You and he have lived together ever since you were married in '81? A Yes.
Q How old is your husband? A 41 or 42.
Q Was he born in the Cherokee Nation? A Yes.
Q Lived here all his life? A Yes.
Q Give me the name of his father? A I don't know.
Q Do you know the name of his mother? A Smith.
Q Is she living? A No sir.
Q How long has she been dead? A About 11 years.
Q Give me the names of your children, please? A Mary 16 years old.
Q On '96 roll, page 256, number 4438.
Q Next? A Jessie, 14 years old.
Q On '96 roll, page 256, number 4436.
Q Next? A Alma H., 11 years old.
Q On '96 roll, page 256, number 4437, as Alma.
Q Next? A Della, 8 years old.
Q On '96 roll, page 256, number 4438.
Q Next? A Lewyn, 2 years old.
Q These children are all alive now? A Yes.
Q Applicant on '80 roll, page 267, number 1262 as Haff.
Q Where is your husband now? A He is at home; was sick this morning, and did not come.
Q Applicant's husband on '96 roll, page 256, number 4433, as William Smith.
Q Applicant's husband on '80 roll, page 662, number 1038, as W.
Q Applicant on '96 roll, page 385, number 634.
The applicant applies for the enrollment of herself, husband and five children. She is identified on the rolls of '80 and '96 as an adopted Delaware. She has lived in the Cherokee Nation for the past 24 years and she will be listed for enrollment as an adopted Delaware. Her husband is identified in the rolls of '80 and '96 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood. Of their five children, the first four are identified on the rolls of '96. They are living now and will be listed for enrollment as

Sherokee-Belawares. When the Commission is supplied with proper certificates of the birth of the youngest child, Lowyn, this child will also be listed for enrollment as a Cherokee-Belawares.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes in proof.

P. McVouach

Subscribed and sworn to before me this 1st day of October, 1906.

C. M. ...

Commissioner.

RECORDED
INDEXED
OCT 1 1906
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Del 48 B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 1 1900

[Handwritten signature]

CHIEF CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 1 1900 1900.

Name *Ketchum J. T.*

District Year Page No.

Citizen by blood *yes* Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

2 ³⁸ Wife's name *Sarah Smith,* DELAWARE.

District Year *1880* Page *267* No. *1262*

Citizen by blood *Del.* Mother's citizenship *Israel Hoff - - d*

Intermarried citizen *No* *Mary " " - - d*

Married under what law Date of marriage

License Certificate

Names of Children:

| | | | | | | |
|---|--------------------|-----------------------------|------------------|-----------------|-----------------|---------------|
| 3 | <i>Mary Smith,</i> | Dist. <i>COOWELSCOOWEE.</i> | Year <i>1886</i> | Page <i>256</i> | No. <i>4435</i> | Age <i>16</i> |
| 4 | <i>Jessie " "</i> | Dist. <i>" "</i> | Year <i>" "</i> | Page <i>256</i> | No. <i>4436</i> | Age <i>14</i> |
| 5 | <i>Alma E. " "</i> | Dist. <i>" "</i> | Year <i>" "</i> | Page <i>256</i> | No. <i>4437</i> | Age <i>11</i> |
| 6 | <i>Bella " "</i> | Dist. <i>" "</i> | Year <i>" "</i> | Page <i>256</i> | No. <i>4438</i> | Age <i>8</i> |
| 7 | <i>Lewyn " "</i> | Dist. <i>" "</i> | Year <i>" "</i> | Page <i>" "</i> | No. <i>" "</i> | Age <i>2</i> |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

1 *Cur 1880 Roll as Sarah Hoff*
 5 *" 1896 " " Alma Smith,*
 7 *affidavit to be suppressed*

10437

(C)

IN RE

Application for Enrollment of

INFANT CHILD

Henry Smith
as a citizen of the

Delaware Nation.

Approved

Oct 1st
1900

[Signature]
Commissioner.

Del 46

DEPARTMENT OF
COMMISSIONER OF THE

FILED

1900

- *Del Card No 48*

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Louisa Smith, born on the 20 day of September, 1898.
(Here insert name of child.)
Name of Father: William A. Smith, a citizen of the Cherokee Nation.
Name of Mother: Sarah Smith, a citizen of the Cherokee Nation.
Post-office Klaus, T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Sarah Smith, on oath state that I am Thirty five
years of age and a citizen, by Adaptian, of the Cherokee Nation;
that I am the lawful wife of William A. Smith, who is a citizen, by
Blood, of the Cherokee Nation; that a Male child was
(male or female)
born to me on the 20 day of September, 1898; that said child has been
named Louisa, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 13 day of September, 1900.

Jeff D. Sexton
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Millie Frie, a Midwife, on oath state that I
attended on Mrs. Sarah Smith, wife of William A. Smith,
on the 20 day of September, 1898; that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named Louisa.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Fred Collett
A B Collett

Millie Frie her
+
Marr

Subscribed and sworn to before me this 18 day of Nov, 1900.

My Com Exp Nov. 18 1900

E B Bender
NOTARY PUBLIC.

Rep. 48 *W.*

IN RE

Application for Enrollment of

INFANT CHILD

William G. Smith

as a citizen of

CHEROKEE NATION.

Approved **MAR 1 - 1901** 190

L. R. ...
Commissioner.

For Sale by Leader Printing Co., Vinita.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 1 1901

[Signature]
ACTING CHAIRMAN

BIRTH AFFIDAVIT.

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of William A. Smith, born on the 10 day of December, 1900
(here insert name of child)
Name of Father: William A. Smith citizen of the Cherokee Nation.
Name of Mother: Sarah Smith, a citizen of the Cherokee Nation.
Post-office, Bleas

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Sarah Smith, on oath state that I am Twenty
years of age and a citizen, by Bleas, of the Cherokee Nation;
that I am the lawful wife of William A. Smith, who is a citizen, by
Bleas, of the Cherokee Nation, that a Male child was
(male or female)
born to me on the 10 day of December 1900; that said child has been
named William A. Smith, and is now living.

WITNESSES TO MARK:

Must be two
Witnesses

Sarah Smith

Subscribed and sworn to before me this 23 day of Feb 1901.

Jeff. D. Sexton
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, A. M. Chickseales, a Physician, on oath state that I
attended on Mrs. Sarah Smith, wife of William A. Smith
on the 10 day of December, 1900; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named William A. Smith

WITNESSES TO MARK:

Must be two
Witnesses

A. M. Chickseales M.D.

Subscribed and sworn to before me this 21 day of Feb. 1901.

W. L. Chapman
NOTARY PUBLIC.

Commission expires Sept. 8. 1902

Vol 48

IN RE

Application for Enrollment of

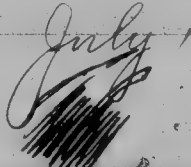
INFANT CHILD

Sarah Ellen Baker
as a citizen of

Cherokee

Nation

Approved,

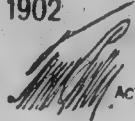


1902

Commissioner.

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

FILED
JUL 1 1902



ACTING CHAIRMAN

Encl B-177

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Sarah Ellen Baker, born on the 18 day of May, 1902
(here insert name of child)
Name of Father: William T. Baker, a citizen of the Cherokee Nation.
Name of Mother: Mary Baker, a citizen of the Cherokee Nation.
Post-office, Cleasa Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Wartson District.

I, Mary Baker, on oath state that I am 18
years of age and a citizen, by Blood, of the Cherokee Nation;
that I am the lawful wife of William T. Baker, who is a citizen, by
adoption of the Cherokee Nation, that a Female child was
(male or female)
born to me on the 18 day of May, 1902; that said child has been
named Sarah Ellen Baker, and is now living.

WITNESSES TO MARK

Mary Baker.

(Must be Two)
Witnesses

Subscribed and sworn to before me this 7 day of June, 1902.

Jeff D. Sinton
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

District.

I, L. W. Trautt, a M.D., on oath state that I
attended on Mrs. Mary Baker wife of William T. Baker
on the 18 day of May, 1902; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Sarah Ellen Baker.

WITNESSES TO MARK:

L. W. Trautt M.D.

(Must be Two)
Witnesses

Subscribed and sworn to before me this 7 day of June, 1902.

Jeff D. Sinton
NOTARY PUBLIC.

(19)
MARRIAGE LICENSE.

Delaware-48

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT.

No. 1098

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
Mr. **W. T. Baker**....., of **Klaw**....., in
the Indian Territory, aged **25 25**..... years, and M^{iss} **Mary Smith**.....
of **Klaw**....., in the Indian Territory, aged **18**..... years,
according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at ~~Muskogee~~ **Vinita** Indian Territory this **5th** day of
Dec...... A. D. ~~1899~~ **1900**

(SEAL) (Signed) **Chas A. Davidson**
Clerk of the U. S. Court.
By (Signed) **T. A. Chandler** Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT,

I, **J. A. Foster**....., a Minister of the Gospel, DO HEREBY CERTIFY,
that on the **9**..... day of **December**....., A. D. ~~1899~~ **1900**, I did duly and
according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
of Matrimony between the parties therein named.

WITNESS my hand this **25**..... day of **December**..... A. D. ~~1899~~ **1900**.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book **B**....., Page **262**.....

(Signed) **J. A. Foster.**
A Minister of the Gospel.

2742

2742

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
Muskogee, T. 1807

COMMISSIONER

[Handwritten signature]

the original offered in evidence in the matter of the application for enrollment of **A. I.**

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of

Muskogee, T. **July 2** 1807

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

BY _____ Deputy

(Signed) **CHARLES V. DEATSON** Clerk

this **20th** day of **July**, A. D. 1807

WITNESS my hand and seal of said Court at Muskogee, in said Territory,

recorded in Book **1**, Marriage Record, Page **214**

record in my office the **2** day of **July**, 1807, at _____, N. and duly

em District, Indian Territory, do hereby certify that the instrument hereto attached was filed for

I, **CHARLES V. DEATSON**, Clerk of the United States Court in the North-

NORTHERN DISTRICT
INDIAN TERRITORY

UNITED STATES OF AMERICA

CERTIFICATE OF RECORD

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT. }

I, **Charles A. Davidson**, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for
record in my office the **3** day of **Jan**, ~~189~~ **1901**, at _____ M., and duly
recorded in Book **J**, Marriage Record, Page **274**.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,
this **20th** day of **March**, **1901**, A. D. 189~~9~~.

(Signed) **Chas A. Davidson** Clerk.

By _____ Deputy.

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

Muskogee, I. T., **July 3** 190 **2**

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of _____
_____ of the Cherokee Nation.

Baker.

Francis S. Bate
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 3 1902

Del 48

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., February 7, 1903.

In the matter of the application of SARAH SMITH, for the enrollment of herself and her children, MARY, JESSIE, ALMA E. SMITH, and WILLIAM A. BAKER, and her grand-daughter SARAH ELLEN BAKER, as citizens of the Cherokee Nation, of Delaware blood:

WILLIAM T. BAKER, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q State your name ? A William T. Baker.
Q How old are you ? A Twenty seven.
Q What is your post office address ? A Cleora, I. T.
Q What is your wife's name ? A Mary Jane.
Q Is she the daughter of Sarah and William A. Smith ?
A Yes sir.
Q She is a Delaware Indian, is she ? A Yes sir.
Q When were you married to her ? A Two years ago the 9th day of last December.
Q How old is your wife now ? A She's eighteen, I believe.
Q Has your wife always lived in the Cherokee Nation ?
A Yes sir.
Q Did she live with her parents up to the time you married her ?
A Yes sir.
Q Have you and she been living in the Cherokee Nation ever since you have been married ? A Yes sir.
Q Have you any children ? A One.
Q Has it been enrolled ? A Yes sir.
Q What's it's name ? A Sarah Ellen.
Q That child is living ? A Yes sir.
Q And your wife is living ?

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 9, 1903.

In the matter of the application of SARAH SMITH, for the enrollment of herself and her children, MARY, JESSIE, ALMA E., DELLA, LEWY and WILLIAM A. BAKER, and her grand-daughter SARAH ELLEN BAKER, as citizens of the Cherokee Nation, of Delaware blood:

WILLIAM T. BAKER, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q State your name ? A William T. Baker.
Q How old are you ? A Twenty seven.
Q What is your post office address ? A Cleora, I. T.
Q What is your wife's name ? A Mary Jane.
Q Is she the daughter of Sarah and William A. Smith ?
A Yes sir.
Q She is a Delaware Indian, is she ? A Yes sir.
Q When were you married to her ? A Two years ago the 9th day of last December.
Q How old is your wife now ? A She's eighteen, I believe.
Q Has your wife always lived in the Cherokee Nation ?
A Yes sir.
Q Did she live with her parents up to the time you married her ?
A Yes sir.
Q Have you and she been living in the Cherokee Nation ever since you have been married ? A Yes sir.
Q Have you any children ? A One.
Q Has it been enrolled ? A Yes sir.
Q What's it's name ? A Sarah Ellen.
Q That child is living ? A Yes sir.
Q And your wife is living ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me February 26, 1903.

Samuel C. Foreman

Notary Public.

Del. 48

deposited and sworn to before me this March 5, 1903.

thereof.

The foregoing is an accurate transcript of his stenographic notes
testimony and proceedings had in the above entitled cause, and that
Commissioner to the Five Civilized Tribes, he correctly recorded the
E. C. Bewell, on oath states that, as stenographer to the

CHAIRMAN

Notary Public.

Cher
Supp'l to # 3888
To be filed with Del # 48.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 10, 1903.

In the matter of the application of WILLIAM A. SMITH, for the enrollment of himself as a citizen by blood of the Cherokee Nation:

WILLIAM A. SMITH, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q State your name ? A William A. Smith.
Q How old are you ? A I will soon be forty four years old.
Q What is your post office ? A Cleora.
Q Are you a Cherokee by blood ? A Yes sir.
Q How long have you been living in the Cherokee Nation ?
A Why I guess ever since I was born.
Q What is your mother's name ? A Mary Smith.
Q Is she dead or living ? A She's dead, sir.
Q When did she die ? A She died, I think, fourteen years ago this coming April.
Q Was she a Cherokee by blood ? A Yes sir.
Q Is her name on the roll of 1880 ? A Yes sir.
Q Were you living with her in 1880 ? A Yes sir.
Q In what district ? A Delaware District.
Q Under what name were you enrolled in 1880 ? A Billy Smith.

--The 1880 roll, for Delaware District, examined, and the applicant is identified thereon at page 308, # 2215, as Billy Smith; and his mother is identified on that roll at page 308, # 2218, as Mary Smith.

The 1880 enrollment heretofore given this applicant is incorrect, that enrollment properly belonging to William Smith, # 8826.

- Q Now you say you have resided in the Cherokee Nation continuously since 1880 ? A Yes sir.
Q Are you married ? A Yes sir.
Q What is your wife's name ? A Sarah.
Q Is she a Delaware Indian ? A Yes sir.
Q When were you married to her ? A In 1881.
Q Do you know if her name is on the roll of 1880 ?
A No, I don't know for certain, but then I think it is.
Q How old is she ? A She's about forty two.
Q Did she come here with the Delawares ? A Yes sir.
Q Is she a registered Delaware ? A Yes sir.
Q Has she resided here in the Cherokee Nation ever since ?
A Yes sir.
Q You and she have lived together ever since you were married ?
A Yes sir.
Q How many children have you ? A We have got seven living.
Q Have you enrolled them all ? A Yes sir, she did.
Q Any members of your family died since you made application for enrollment ? A No sir, there's been two married since.
Q Boys or girls ? A Girls.
Q Give me the names of the girls married ?
A The oldest one is named Rosie.
Q What is her name now ? A Stevenson.
Q What is her husband's first name ? A John.
Q When was she married ? A She was married, it's been about three years ago. I don't remember just when.

- Q That was before your wife made application for her enrollment two years ago? Was she married then? A Yes sir.
- Q What is the next one? A Mary.
- Q Was she married since the application? A Yes sir.
- Q What is her husband's name? A Thomas Baker.
- Q When were they married? A Two years ago I reckon.
- Q Is she living with him now? A Yes sir.
- Q Is that all that are married? A Yes sir.
- Q Are the others living at home with you? A Yes sir.

The Commission: It is ordered that copies of this testimony be filed with and made a part of the record in Delaware # 48.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this March 2, 1903.

Samuel T. ...

Notary Public.

Delaware #42.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Washington, D. C., December 1, 1900.

In the written application of ARAM SMITH, for the enrollment of herself and children, Mary Helen, Jessie, Alma E., Della, Edwin and William S. Smith, and the enrollment of her granddaughter, Clara Ellen Smith, as citizens of the Cherokee Nation.

S U P P L E M E N T A R Y F I N D I N G S

Upon an examination of the roll of Delaware Indians, made in 1867, of the number of persons connected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty of 1867, and the roll of the Five Civilized Tribes, entered into April, 1876, it is determined that the following individuals identified upon said rolls are:

Aras Smith, of S. P. Co., Del.

It is ordered that copies of this report be made and made a part of the record in this case.

C. R. McKinzie
Commissioner

12878

Delaware #48.

JHR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.

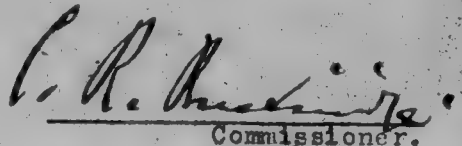
In the matter of the application of SARAH SMITH, for the enrollment of herself and children, Mary Baker, Jessie, Alma E., Della, Lewyn and William A. Smith, and for the enrollment of her granddaughter, Sarah Ellen Baker, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Sarah Smith, as Sarah Haff, No. 946.

It is ordered that copies of this statement be filed with and made a part of the record in this case.


Commissioner.

RP

Cher 10438

Arbazena Renfro

Trans. from Del. # 49

(Old Series)

Cher 10438

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1st & 1900.

In the matter of the application of Carrie Barber for the enrollment of herself and children as citizens of the Cherokee Nation of Delaware blood; said Barber being sworn by Commissioner T. Needles, testified as follows:

- Q What is your name? A Carrie Barber.
Q How old are you? A 32.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A I do not know.
Q For whom do you apply? A Myself and two children.
Q What is your father's name? A Isareal Haff.
Q Is he living? A No, sir.
Q Your mother's name? A Mary.
Q Is she living? A Yes, sir.
Q What is your husband's name? A Thomas Barber.
Q When did you marry him? A Been married two years.
Q Have ye any certificate of marriage? A Yes, sir.

Applicant presents a certificate of marriage certifying that she was married under the laws of the Cherokee Nation on the first day of June, 1896, to one T. J. Barber, a non-citizen.

- Q What is the name of your child? A Arbazena Renfro.
Q How old is he? A She is 16 years old.
Q The name of the next child? A Rene Bell Renfro.
Q How old is she? A 16.
Q These children alive and living with you? A Yes, sir.
Q What is the name of their father? A Millard Renfro.
Q Is he living? A No sir.
Q Was he your former husband? A Yes, sir.
Q Did you live with him until he died? A Yes, sir.
Q Mr. Barber was your second husband? A No, he is my third husband.
Q When were you married to Renfro? A Married in 1884.
Q What was your name in 1880? A Carrie Haff.
Q What is your second husband's name? A Henry Blackstone.
Q What is the name you were married by to Mr. Barber--Blackstone?
A Yes, sir.

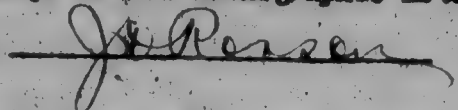
1880 enrollment; page 267, #1265, Carrie Haff, Delaware.

- Q What was your name in 1896? A Blackstone, I guess.
1896 enrollment; page 619, #3, Carrie E. Blackstone, Delaware.
1896 enrollment; page 624, #71, Arbazena Renfro, Delaware.
1896 enrollment; page 624, #72, Rene B. Renfro, Delaware.
Q These children alive and living with you? A Yes, sir.
Q You always lived in the Cherokee Nation? A Yes, sir.

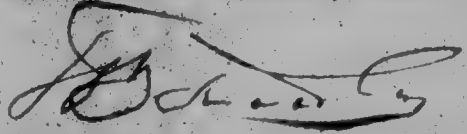
Com'r Needles:--The name of Carrie Barber appears upon the authenticated roll of 1880 as Carrie Haff, and upon the census roll of 1896 as Carrie Blackstone, which she avers was the name of her second husband. She avers that she was married to one Renfro, a non-citizen, in the year 1884 and by him has two children, Arbazena and Rene B., whose names appear upon the census roll of 1896. They all being duly identified according to the page and number of the rolls and having made satisfactory proof as to their residence, said Carrie Barber and her children Arbazena and Rene B. Renfro will be duly listed for enrollment by this Commission as Cherokee citizens by blood.

COMMUNICATIONS SECTION
OCT 3 1900
RECEIVED
F. B. I.
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C.
Carrie Barber - 22

J. O. Roush, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this third day of October, 1900.



Commissioner

2149 B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED
OCT 1 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 1 - 1900 1900.
Vivita D. S.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License 32 Certificate

Wife's name *Carrie Barber ne Hall*

District DELAWARE. Year 1880 Page 207 No. 1565

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

| | | | | | | |
|----------|-------------------------|------------------------|------------------|-----------------|---------------|---------------|
| <i>2</i> | <i>Arbargona Renfro</i> | Dist. <u>DELAWARE.</u> | Year <u>1896</u> | Page <u>624</u> | No. <u>71</u> | Age <u>16</u> |
| <i>3</i> | <i>Renfro B</i> | Dist. <u>DELAWARE.</u> | Year | Page <u>624</u> | No. <u>72</u> | Age <u>12</u> |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
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| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

1 m 1880 *ne Hall* *Carrie Hall*
2 m 1896 " *Arbargona Renfro*
3 " " " *Renfro B*

11-2-49

Del 49 C

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1908



ACTING CHAIRMAN

FILED
AUG 6 1898
Wm. H. Winston
CLERK.

MARRIAGE LICENSE

United States of America,)
INDIAN TERRITORY,) SS.
NORTHERN DISTRICT.

no. 615

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. *J. J. Barber* of *Vinita* in the Indian Territory, aged *35* years, and Mrs. *Carrie Blackstone* of *Vinita* in the Indian Territory, aged *29* years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this *1st* day of *June*, A.D. 1898.
By *J. L. Anderson* Deputy. *J. H. Winston* Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.

United States of America,)
INDIAN TERRITORY,) SS.
NORTHERN DISTRICT.

I, *A. R. Boyle*, a Minister of the Gospel, DO HEREBY CERTIFY, that on the *1* day of *June* A.D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *1* day of *June* A.D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,
Book *A* Page *222* Mustages *07*
A. R. Boyle A Minister of the Gospel.

NOTE - This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT. }

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,
do hereby certify that the instrument hereto attached was filed for record in my office the 5th day of
Aug 1898, at _____ M., and duly recorded in Book 15, Marriage
Record, Page 93.

WITNESS my hand and seal of said Court at Vinita, in said Territory,

this 9th day of Aug A.D. 1898.

James A. Winston Clerk.

By _____ Deputy.

Del 49 C

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1900

RECORDED

B15

THE BOARD OF DIRECTORS OF THE NATIONAL ASSOCIATION OF REALTORS
HAS ADOPTED THE FOLLOWING RESOLUTIONS AT ITS MEETING HELD AT
WASHINGTON, D.C. ON DECEMBER 15, 1963.

RESOLUTION NO. 1
WHEREAS the National Association of Realtors is a non-profit
organization organized under the laws of the State of California
and has as its purpose the promotion of the interests of the
public in real estate and the advancement of the real estate
profession;

DEC 11 1963

RESOLUTION NO. 2
WHEREAS the National Association of Realtors is a non-profit
organization organized under the laws of the State of California
and has as its purpose the promotion of the interests of the
public in real estate and the advancement of the real estate
profession;

JOR
Delaware 49.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., Dec. 4, 1903.

In the matter of the application of CARRIE BARBER, for the enrollment of herself and children, Arbazana and Beno B. Renfro, as Delaware citizens of the Cherokee Nation.

THOMAS E. KETCHUM, being sworn and examined, testified as follows:

- Q State your name please? A Thomas E. Ketchum.
Q How old are you? A I am 47 years old.
Q What is your postoffice? A Vinita.
Q You are a Delaware citizen by blood of the Cherokee Nation are you? A Yes sir.
Q Do you know Carrie Barber? A I think I do.
Q Her postoffice is Vinita? A I don't know whether she gets her mail here or at Ketchum; she lives about a mile from Ketchum.
Q She's a Delaware is she? A Old lady Haff is her mother and she claims a Delaware.
Q She's the daughter of Israel Haff? A Yes sir.
Q What was he? A A white man.
Q How long have you known Carrie Barber? A I have known her ever since the Delawares come to this country.
Q Did she come to the Cherokee Nation with the Delawares? A Yes I think she come with the Delawares.
Q Did Israel Haff come to the Cherokee Nation with the Delawares as an adopted Delaware? A Yes sir.
Q Was he a recognized citizen during his lifetime? A Yes sir.
Q Is it your understanding that he came as a Registered Delaware?
A Yes sir.
Q Did Carrie come with him? A Yes sir.
Q Has she lived in the Cherokee Nation continuously since that time?
A Yes sir.
Q Do you know her children? A No sir.

COMMISSION:

There appears upon the Register right after the name of Israel P. Haff, the name of Carrie Haff, No. 977.

- Q Did you ever know of more than one Carrie Haff? A No sir.
Q Carrie Barber is living at this time is she? A Yes sir.

R. Palmer, beingsworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R Palmer

Subscribed and sworn to before me this 11th day of December, 1903.

Samuel Foreman
Notary Public.

#10438

IN RE
THE DEATH OF

Arbezema Renfro
a citizen of the

Cherokee Nation.

Approved Sept 20 1904

Commissioner

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

FILED
SEP 20 1904

CHAIRMAN

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Arbazena Renfro
(Here insert name of deceased)
 a citizen of the Cherokee Nation, who formerly resided at or near
Sketchum, Ind. Ter., and died on the 30 day of
October, 1903
(Here insert name of post office)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

northern District.

I, Carrie Barber, on oath state that I am 36
 years of age and a citizen, by Del blood, of the Cherokee Nation;
 that my post office address is Sketchum, Ind. Ter.; that I am
(Here insert name of post office)
mother of Arbazena Renfro,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)
 who was a citizen, by Del blood of the Cherokee Nation;
 and that said Arbazena Renfro died on the 30 day of
October, 1903
(Here insert name of deceased)

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 20 day of September, 1904

William P. [Signature]
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

District.

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

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this _____ day of _____, 1904

Notary Public.

Cher 10439

Frances O. Brown

Trans. from Del. #50
(Old Series)

Cher 10439

1900

Yes, sir.

COMMISSION TO ENQUIRE INTO THE CAUSES OF THE MURDER OF HERBERT HENRI GIBSON

1900

B.P.D.

1000

There children all alive and living with her?

Yes, all of them.

Next old is John, 13.

Next old is John, 13.

Next old is John, 13.

Next old is John, 13.

Next old is John, 13.

Next old is John, 13.

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Next old is John, 13.

Next old is John, 13.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1st, 1900.

In the matter of the application of Frances O. Brown for the enrollment of herself, husband and children as citizens of the Cherokee Nation of Delaware blood; said Brown being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Frances O. Brown.
Q How old are you, Mrs. Brown? A 46.
Q What is your post office address? A Big Cabin.
Q What district do you live in? A Cooweescoowee.
Q Are you a Cherokee by blood? A Delaware.
Q By blood? A Yes, sir.
Q What degree of blood have you got? A Three quarters.
Q Who do you want to enroll? A Myself and my children, my husband si here.
Q What is his name? A John A. Brown.
Q When were you married to him? A '72.
Q What is the names of your children? A My oldest is 22 but he has gone to the war and I want to enroll him.
Q What is his name? A Daniel R. Brown.
Q He is 24? A Yes, sir.
Q What is the name of the next one? A John J. Brown.
Q How old is he? A 19.
Q Next one? A Cora Bell.
Q How old is Cora Bell? A 13.
Q Next one? A Effie Lena.
Q How old is she? A Six.
Q These children all alive and living with you? A Yes, sir.
Q Daniel cannot come because he is in the United States Army? A Yes, sir.
Q Where is he, in the Philippine Islands? A No, sir, he is in China.
Q Have you and your husband always lived in the Cherokee Nation her for the last 20 years? A Yes, sir.
- | | | |
|----------------------------|-------|---------------------------------|
| 1880 enrollment; page 228, | #340, | Francis O. Brown, Delaware. |
| 1896 enrollment; page 228, | #339, | John A. Brown, Delaware. |
| 1896 enrollment; page 359, | #55, | Francis O. Brown, Cooweescoowee |
| 1896 enrollment; page 294, | #60, | John H. Brown, " |
| 1896 enrollment; page 259, | #56, | Daniel R. Brown, " |
| 1896 enrollment; page 359, | #58, | John J. Brown, " |
| 1896 enrollment; page 359, | #59, | Cora B. Brown, " |
| 1896 enrollment; page 359, | #60, | Effie L. Brown, " |
| 1880 enrollment; page B29, | #342, | Daniel Brown, Delaware. |

Com'r Needles:--The name of Francis O. Brown and her husband, John A. Brown, and her son, Daniel R. Brown, appear upon the authenticated roll of 1880, and they also appear upon the census roll of 1896, as well as their children, John J., Cora B. and Effie L. They all being duly identified according to the page and number of the rolls as indicated in the testimony, the said Francis O. Brown and the said children will be duly listed for enrollment as Cherokee citizens by blood, and the said John A. Brown as a Cherokee citizen by intermarriage. All being of Delaware blood, except John A., he w will be listed as an intermarried Cherokee.

---ooo000ooooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October, 1900?

J. O. Rosson
COMMISSIONER.

Self 13-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UN-CIVILIZED TRIBES

FILED
OCT 1 1900



ACTING CHAIRMAN

RECORDED
INDEXED

CHEROKEES BY BLOOD AND ADOPTION.

Date 1 1900 1900

Name J. Big Cabin

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License (16) Certificate _____

Wife's name Frances O. Brown

District DELAWARE Year 1880 Page 128 No. 340

Citizen by blood 3/4 Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Names of Children | Dist. | Year | Page | No. | Age |
|-------------------|---------------|------|------|-----|-----|
| 2 David R Brown | DELAWARE | 1880 | 279 | 342 | 24 |
| 3 John J. " | COOWEESCOOWEE | 1846 | 359 | 58 | 19 |
| 4 Cora B. " | COOWEESCOOWEE | 1846 | 359 | 59 | 13 |
| 5 Effie L. " | COOWEESCOOWEE | 1846 | 359 | 60 | 6 |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

1. in 1880 rail as Francis O Brown
 2. " " " " Daniel Brown - in
 the 16th Army in China - enlisted by mother

10050

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

FILED

APR 7 1903

A handwritten signature in dark ink, appearing to be 'W. H. H. H.', written in a cursive style.

CHAIRMAN

Dup

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

CHEROKEE ENROLLMENT OFFICE.

Vinita, I. T., APR 1- 1903 A. D. 190

To the Clerk in charge of the Cherokee Land Office:

This is to certify that the names of the following persons:

| Card Number. | NAME. | Relationship to Person First Named. | Age. |
|--------------|--------------|-------------------------------------|------|
| Del-50 ✓ | John J Brown | | 21 |
| | Delaware | | |

All appear upon the records of the Commission to the Five Civilized Tribes as applicants for enrollment as citizens of the Cherokee Nation.

In the event that said persons are finally enrolled as citizens of said Nation, a certificate of citizenship in the usual form will be issued.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES

J. R. Renter
Enrollment Clerk.

[Signature]
CHAIRMAN

CHAIRMAN

Chairman

JR

To be filed with
Delaware 50, Frances O. Brown et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of MARY A. TIBLOW for
enrollment as a citizen of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the
Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I'm 60 years old.
Q What is your postoffice address? A Ketchum.
Q Are you a citizen by intermarriage of the Cherokee Nation? A Yes
sir.
Q How long have you been a citizen by intermarriage? A I was mar-
ried in '72.
Q You're a member of the Cherokee Senate, are you not? A Yes sir.
Q Do you know Mary A. Tiblow, an old lady about 80 years old?
A Yes sir.
Q What's her postoffice address? A Ketchum I think would be her
postoffice address.
Q How long have you known her? A Oh, 20 years or more.
Q Is she any relation to you? A No sir.
Q She any relation to your wife? A Well, I don't know that she is.
Q Have you known Mary A. Tiblow ever since she came to the nation?
A I think I have.
Q How long has she been here, about what year did they come? A Well
now, I think she came with the outfit along about '78 or '79 if she
came with Browns and Stevensons and then; I am not sure she did.
Q Has she got a daughter named Frances O. Brown? A Yes sir.
Q How long have you known her? A Since '80.
Q And another daughter named Mary T. Stevenson? A Yes, she's dead.
Q How long have you known her? A Since '80 till she died.
Q Mary T. Stevenson had a daughter whose name is now Rosanna S. Con-
nor and another named Mary Gallman? A Yes sir.
Q How long have you known them? A Ever since they came here, in
'79 or '80.
Q Did these people all come down here together? A Why, the Browns
and the Stevensons came at the same time.
Q They came here and were readmitted by the Cherokee Council as
Delawares? A Yes sir, that's my understanding.
Q Did you ever hear they claimed to have been here before they came
down in '79 or '80? A No sir.

Mabel F. Maxwell, being duly sworn, states that, as steno-
grapher to the Commission to the Five Civilized Tribes, she correctly
recorded the supplemental testimony in this case, and that the above
and foregoing is a true and complete transcript of her stenographic
notes thereof.

Subscribed and sworn to before me
this 12th day of December, 1903.

Mabel F. Maxwell
Samuel Foreman
Notary Public.

JOR
Delaware 50.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., December 4, 1903.

In the matter of the application of FRANCES O. BROWN, for the enrollment of herself, and children, Daniel R., John J., Cora B. and Effie L. Brown, as Delaware citizens of the Cherokee Nation.

FRANCES O. BROWN, being duly sworn and examined, testified as follows:

- Q What is your name? A Frances O. Brown.
Q How old are you? A 49.
Q What is your postoffice? A Bigoabin.
Q You are a Delaware citizen by blood of the Cherokee Nation, are you? A Yes sir.
Q How long have you resided in the Cherokee Nation? A Thirty years.
Q That was in 1873, was it? A Yes sir.
Q Have you resided here continuously since that time? A Yes sir.
Q Were you admitted to citizenship in the Cherokee Nation? A Yes sir.
Q That was by reason of an act of the Cherokee National Council? A Yes sir.
Q Have you a copy of that act in your possession? A I did have, but I don't know what has become of it.
Q Do you know the date of the act? A No sir, I don't.
Q How soon was it after your admission before you came to the Cherokee Nation? A Well, we came here first.
Q You were living here when you were admitted? A Yes sir.
Q And you have lived here continuously since that time? A Yes sir.
Q Your son, Daniel R., was admitted too? A No sir, he was born after we came down.
Q You were admitted as a Delaware Indian? A Yes sir.
Q Did the act of admission require you to pay in to the Cherokee Nation a certain sum of money? A Yes sir, \$284.00 I think it was.
Q Did you do that? A Yes sir.
Q Have you a receipt? A Why, we did have.
Q What become of it? A I don't know, I had it with my other papers. Hooley Bell was the one that got me in, we paid the money to him.
Q That receipt is misplaced? A Yes sir.
Q You don't claim that your name is on the Register of the Delawares who elected to remove to the Cherokee Nation under the treaty between the Delawares and the Cherokees made on April 8, 1867? A No sir, I guess not, for we stayed back in Kansas and we bought in. I bought in after that treaty.
Q You didn't signify your willingness up there to come to the Cherokee Nation under that treaty? A I was but a child then; we stayed back there and after I was a woman and married we moved down to the territory and bought in.
Q Your parents, they stayed back in Kansas? A My mother, but my father registered to come down here.
Q Did he come? A Yes sir.
Q Your mother and father were separated? A No sir, we all come, but my mother didn't register to come.
Q But she afterwards came and was admitted the same as you? A Yes sir.
Q When was it that you came to the Cherokee Nation? A MY mother come first and then I was married in Kansas and then we come down. I was married in '72, my parents though were living down here when I was married; I went back on a visit and was married in Kansas.
Q What was the reason that your father didn't have the names of his family put down when he registered? A He wanted them

2-

James O. Brown.

to hold their land back in Kansas.

Q And he didn't intend for his family to come, he wanted them to hold land back in Kansas with the Delawares? A Yes sir, there were a few families back there.

Q And he wanted to come down and hold land in the Cherokee Nation? A Yes sir.

Q The only right to citizenship in the Cherokee Nation you claim then is by reason of your admission to citizenship by the Cherokee National Council? A Yes sir, I guess.

Q And since you were admitted you have been ~~recognized~~ recognized as a citizen of the Cherokee Nation all the time, have you? A Yes sir.

Q You have children, Daniel R., John J., Cora B., and Effie L.? A Yes sir.

Q They are all living? A Yes sir, and I have another son, George W., but I don't know why he aint in there.

Q He is of age, isn't he? A ALL of them are of age now, but the two girls.

Q Are any of them married? A No sir.

Q Where is Daniel R.? A He is at Frediste, San Francisco, California.

Q He is in the United States Army? A Yes sir.

Q Did he ever make his home outside of the Cherokee Nation? A No sir.

Q The only time he ever stayed out was while he was in the United States Army? A Yes sir.

R. Palmer, being first Duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recorded the testimony and proceedings in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 9 day of December, 1903.

Samuel Foreman
Notary Public.

Umula

Indian Territory, 8/9 1904

Received of the Commission to the Five Civilized Tribes

one copy of the testimony in

Cherokee 10439

Frances O Brown et al

W H Koney

Attorney for applicant.

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

In the matter of the application of Mary A. Tiblow, et al. for enrollment as citizens of the Cherokee Nation of Delaware blood, consolidating the applications of,

| | |
|-------------------------------|--------------|
| Mary A. Tiblow, | Delaware 8; |
| Mary T. Stephenson, | Delaware 6; |
| Rosanna S. Connor, et al., | Delaware 9; |
| Fannie F. Stephenson, et al., | Delaware 10; |
| Mary A. Gallman, et al., | Delaware 12; |
| John H. Stephenson, et al., | Delaware 27; |
| Frances O. Brown, et al., | Delaware 50. |

D E C I S I O N .

The record in these cases shows that on September 21, 1900, Mary A. Tiblow appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 20, 1900, Mary T. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood. On December 7, 1903, an affidavit was filed with the Commission showing the death of said Mary T. Stephenson on February 6, 1901, which affidavit is made part of this record:

That on September 21, 1900, Rosanna S. Connor appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Wannie G. and Oliver A. Connor, as citizens of the Cherokee Nation of Delaware blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903:

That on September 21, 1900, Fannie F. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Freddie and Walter Stephenson, as citizens of the Cherokee Nation of Delaware blood:

That on September 21, 1900, Mary A. Gallman appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Claud M., Rubie A., and Henrietta Gallman, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Mary A. Gallman, but he is differently classified and is not embraced in this decision:

That on September 25, 1900, John H. Stephenson appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his wife, Rosa L. Stephenson, as citizens of the Cherokee Nation of Delaware blood. On March 22, 1901, a birth affidavit was filed for Mary A. Stephenson, a child

That on October 1, 1900, Frances O. Brown appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her children, Daniel R., John J., Cora B. and Effie L. Brown, as citizens of the Cherokee Nation of Delaware blood. The application also included the husband of said Frances O. Brown, but he is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on December 4, 1903.

The evidence shows that Mary A. Tiblow is of Delaware blood; that Mary T. Stephenson and Frances O. Brown are adult children of said Mary A. Tiblow, and that Rosanna S. Connor, Fannie F. Stephenson, Mary A. Gallman and John H. Stephenson are adult children of said Mary T. Stephenson.

Rosanna S. Connor was married to Silas H. Connor, a white man, now deceased, in 1884, and Mamie G. and Oliver A. Connor are the issue of that marriage. Freddie and Walter Stephenson are the minor children of Fannie F. Stephenson. Mary A. Gallman was married to Jesse M. Gallman, a white man, in 1889, and Claud M., Rubie A. and Henrietta Gallman are the issue of that marriage. Frances O. Brown was married to John A. Brown, a white man, in 1872, and Daniel R., John J., Cora B. and Effie L. Brown are the issue of that marriage.

All the adult applicants are identified on the Cherokee authenticated tribal roll of 1880, and all the applicants, excepting Walter and Henrietta Stephenson, are identified on the Cherokee Census roll of 1896. Walter and Henrietta Stephenson are identified by birth affidavits made a part of this record.

It further appears that the residence of Mary A. Tiblow, Rosanna S. Connor, Mary A. Gallman and John H. Stephenson has been in the Cherokee Nation since 1880, and that Fannie F. Stephenson was born and has resided in said Nation all her life. The residence of the minor applicants herein is considered to be that of their parents.

The evidence further shows that Mary A. Tiblow and Frances O. Brown were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved November 30, 1875, and that Mary T. Stephenson and Rosanna S. Connor under the name of Rosanna Stephenson, were admitted to citizenship by an Act of the Cherokee National Council approved December 5, 1876. Each of said Acts provides that the applicants pay into the Cherokee treasury the sum of \$284.00 each, which was the per capita amount paid by the Delawares under the agreement of April 8, 1867, between the Cherokee Nation and the Delaware tribe of Indians.

There is no record evidence of the payment of such sums into the Cherokee treasury. The agreement of April 8, 1867, provides that,

"The Cherokees, parties of the first part, for and in consideration of certain payments, and the fulfillment of certain conditions hereinafter mentioned, agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 96 west longitude, in the aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon

aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon a certain register made February 18, 1867, by the Delaware agent, and on file in the office of Indian affairs, being the list of the Delawares who elect to remove to the 'Indian country' to which list may be added, only with the consent of the Delaware Council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto;"

"and in case the Cherokee lands shall hereafter be allotted among the members of said Nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 160 acres for each individual) shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation."

"On the fulfillment by the Delawares of the foregoing stipulations, all the members of the tribe, registered as above provided, shall become members of the Cherokee Nation, with the same rights and immunities, and the same participation (and no other) in the national funds; as Native Cherokees, save as hereinbefore provided."

It is the opinion of this Commission that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rosanna S. Connor acquired under the Acts of the Cherokee National Council, above referred to, all the rights and privileges of Cherokee citizenship; that the children born to them subsequent to the date of their admission take the status of their parents, and that, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 23, 1891 (30 Stat., 495), the said Mary A. Tiblow, Rosanna S. Connor, Mamie G. Connor, Oliver A. Connor, Fannie J. Stephenson, Freddie Stephenson, Walter Stephenson, Mary M. Gallman, Claud W. Gallman, Rubie A. Gallman, Henrietta Gallman, John M. Stephenson, Frances O. Brown, Daniel A. Brown, John S. Brown, Cora W. Brown and Effie L. Brown should be enrolled as citizens of the Cherokee Nation, with all the rights of Cherokees by blood, and it is, therefore, so ordered.

It is further ordered by the Commission that the application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, should be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Birby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

May 16 1904.

JCS

Tahlequah, I. T. May 27th 1904.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

You are hereby advised that the Cherokee Nation does not desire to file a protest against the decision of the Commission of date May 16th 1904 in the matter of the application of Mary A. Tiblow et al for enrollment as citizens of the Cherokee Nation of Delaware blood consolidating the applications of,

| | | |
|----------------------------|----------|------|
| Mary A. Tiblow ----- | Delaware | #8; |
| Mary T. Stephenson | Del. | #6; |
| Rosanna S. Conner et al | Del. | #9; |
| Fannie F. Stephenson et al | Del. | #10; |
| Mary A. Gallman et al | Del. | #12; |
| John H. Stephenson et al | Del. | #27; |
| Frances O. Brown et al | Del. | #00. |

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 10439

Muskogee, Indian Territory, June 7, 1904.

Frances O. Brown,
Big Cabin, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the Commission's decision dated May 16, 1904, granting, among others, your application for the enrollment of yourself and your four minor children, Daniel R., John J., Cora B. and Effie L. Brown, as citizens of the Cherokee Nation of Delaware blood.

Respectfully,

Encl. V-4

Register.

Chairman.

Cherokee 10427-8-
9-10439.

Muskogee, Indian Territory, August 8, 1904.

W. H. Kernegay,

Attorney for Frances O. Brown, et al.,

Vinita, Indian Territory.

Dear Sir:

In accordance with your request of July 28, there are herewith inclosed copies of testimony in Cherokee 10427, Mary L. Thatcher, et al.; Cherokee 10428, Solomon Ketchem, et al.; Cherokee 10429, Lewis Ketchem, et al.; Cherokee 10439, Frances O. Brown, et al.

There are also herewith inclosed blank receipts for said testimony which you are requested to sign and return to the Commission.

Respectfully,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, January 10, 1905

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Mary A. Tiblow, et al., as citizens of the Cherokee Nation of Delaware blood, including the Commission's decision dated May 16, 1904, granting said applications; also the motion of Mary A. Tiblow, et al., to re-open said case as to them and modify the judgement heretofore rendered and render a judgement, according to each of them as citizens of the Cherokee Nation, all the rights of registered Delawares, together with the Commission's decision dated January 7, 1905, denying said motion.

Respectfully,

COMMISSIONER. *Jams Bixby.*
Chairman.

Encl. OG-79.

(Copy)

Refer in reply to
the following:

Land.
3404-1905.
15,069-1905.

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

March 23, 1905.

The Honorable

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 10, 1905, transmitting the record relative to the application of Mary A. Tiblow, et al., for enrollment as citizens of the Cherokee Nation, of Delaware blood; also motion of Mary A. Tiblow, et al., to reopen said cause and modify the judgment of the Commission rendered in said case and render a judgment according to each of them, as citizens of the Cherokee Nation, all rights of registered Delawares, together with the Commission's decision of January 7, 1905, denying the motion.

There is also enclosed a communication from W. H. Kernagay, Attorney for the applicants, transmitting brief on behalf of the applicants in this case and certain other applicants mentioned in his brief and in his communication.

The parties to this case are as follows: Mary A. Tiblow, Mary I. Stephenson, Rosanna E. Connor, Mamie G., Oliver A. Connor, Fannie F. Stephenson, Freddie and Walter Stephenson, Mary A. Callman, Claud W., Buba A., and Henrietta Callman, John W.

Stephenson, Rosa L. Stephenson, Mary A. Stephenson, Frances O. Brown, Daniel R., John J., Cera B., and Effie L. Brown. Certain other persons were also applicants as intermarried citizens, but as they are differently classed, they are not included in the Commission's decision. Mary A. Stephenson, child of John W., and Rosa L. Stephenson, was born since the date of the application. Rosa L. Stephenson is the daughter of a registered Delaware and as she and her child have a different status, their rights were separately considered by the Commission, and they are not included in its decision of May 16, 1904.

Mary Ann Tibloe (Tiblow) and others were admitted to citizenship in the Cherokee Nation by act of the National Council approved November 30, 1875. The act is as follows:

Be it enacted by the National Council that Mary Ann Tibloe, wife, and R.W.C. Tibloe, son and Francis O. Brown, daughter, of Henry Tiblow, a Delaware Indian, and a citizen of the Cherokee Nation, be, and they are hereby admitted to citizenship in the Cherokee Nation; Provided, that the said Mary Ann Tibloe and R.W.C. Tibloe and Francis O. Brown first pay into the Treasury of the Cherokee Nation the sum of Two Hundred and Eighty-five Dollars each*.

It will be observed that the act provides that each applicant shall pay into the Treasury of the Cherokee Nation the sum of \$285 before any rights vest under the act. There is no record evidence of the payment of said sums into the Treasury of the Cherokee Nation.

The Commission found that Mary A. Tiblow, Frances O. Brown, Mary T. Stephenson and Rebecca S. Conner were, under the act above above quoted, entitled to all the rights and privileges of Cherokee

citizenship; that children born to them subsequent to the date of their admission take the status of their parents, and that in accordance with the existing law, Mary A. Tiblew, Rosanna S. Conner, Mamie G. Conner, Oliver A. Conner, Fannie F. Stephenson, Freddie Stephenson, Walter Stephenson, Mary A. Gallman, Claud M. Gallman, Rubie A. Gallman, Henrietta Gallman, John N. Stephenson, Frances O. Brown, Daniel R. Brown, John J. Brown, Cora B. Brown and Effie L. Brown were entitled to enrollment, as citizens of the Cherokee Nation, with all the rights of Cherokees by blood. The application of Mary T. Stephenson for the enrollment of herself as a citizen of the Cherokee Nation of Delaware blood, was dismissed.

On December 7, 1903, an affidavit was filed with the Commission which shows that Mary T. Stephenson died February 6, 1901. The affidavit is a part of the record in the case. The applicants admitted by the Council in 1875 claim that they are entitled to enrollment as citizens of the Cherokee Nation of Delaware blood, and that they are entitled to the same rights as registered Delawares. That their contention and the contention of their Attorney is erroneous, is too evident to admit of discussion. The Supreme Court of the United States in the case of Delaware Indians versus Cherokee Nation, (U.S. Reports 193, page 127), briefly stated, held that the registered Delawares living at the time of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made, share equally with Cherokees in the remainder of the Cherokee landed estate. Furthermore the Comptroller of the Treasury in an opinion of March 1, 1903, with

reference to whether what are known as Kansas Indians, that is Delaware Indians admitted by the Cherokee Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867, are entitled to share in the \$150,000 appropriated for the Delawares by Act of April 21, 1904, (33 Stats., 222), said:

From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1866, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum.

In view of the holding of the Supreme Court, and considering the opinion of the Comptroller of the Treasury, just referred to, I am firmly convinced that the action of the Commission declaring the persons above named entitled to enrollment, with all rights of native Cherokees, is correct, and its approval is recommended.

There are several other cases similar to the one now transmitted pending before this Office, and in transmitting said cases this report will be referred to.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

(C. A. W.) P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

V.C.F.

LLB

D. C. 17895-1908
I.T.D. 3027-1908,
LRB.

March 31, 1908.

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

Gentlemen:

On January 10, 1908, you transmitted the record relative to the application of Mary A. Tibble et al. for enrollment as citizens of the Cherokee Nation of Delaware blood; also a motion to reopen said case and modify the judgment of your Commission rendered May 16, 1904, so that said judgment may entitle the applicants to all the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

It appears that Mary A. Tibble and Francis O. Brown were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved November 30, 1875; that Mary T. Stephenson and Rosanna S. Connor, under the name of Rosanna Stephenson, were admitted to citizenship by an act of the Cherokee National Council approved December 5, 1876. Each of said acts provides that the applicant pay into the Cherokee Treasury the sum of \$204 each. You state in your decision that there is no record evidence of the payment of such sums into the Cherokee treasury.

It also appears that all of the adult applicants are identified on the Cherokee authenticated tribal roll of 1880, and all of the applicants excepting Walter and Henrietta Stephenson

are identified on the Cherokee census roll of 1896. Said Walter and Henrietta Stephenson are identified by birth affidavits.

May 16, 1904, you held that the applicants in this case are entitled to enrollment as citizens of the Cherokee Nation.

Subsequent to your decision a brief was filed on behalf of the applicants requesting that your Commission modify its decision so that said decision would entitle the applicants to the rights of the Delaware tribe of Indians residing in the Cherokee Nation.

On January 7, 1905, you denied said request.

Transmitting your report March 23, 1905, the Acting Commissioner of Indian Affairs also transmitted a communication from the attorney for the applicants and brief filed by him on behalf of the applicants in this case and certain other applicants mentioned in said brief.

The Acting Commissioner invites the attention of the Department to the decision of the Supreme Court of the United States in the case of "Delaware Indians vs. Cherokee Nation," in which it was held that the registered Delawares living at the date of the decision were each entitled to 160 acres of land, and that their descendants born since the roll of registered Delawares was made share equally with the Cherokees in the remainder of the Cherokee landed estate. We also invite attention to the opinion of the Comptroller of the Treasury rendered March 1, 1905, relative to the right of Delaware Indians admitted by the Cherokee

Council after the expiration of the time limit fixed by the Delaware-Cherokee agreement of 1867 to share in the \$150,000 appropriated for the Delawares by act of April 21, 1904 (35 Stat., 222), and quotes from said opinion the following:

"From the language of the act and conditions therein imposed, I think it clear that the appropriation of \$150,000 was made for, and payable only to the Delaware tribe of Indians, as said tribe by its council direct, and that the Delaware Indians who, under the provisions of Articles III and IX of the treaty of July 4, 1866, supra, elected to dissolve their tribal relations, and become citizens of the United States are not legally entitled to be enrolled for participation in the distribution of said sum."

The Acting Commissioner recommends that your decision be approved. A copy of his letter is inclosed.

Under the opinion of the Comptroller of the Treasury above cited, it is clear that the applicants are not entitled to the rights of registered Delawares. Your decision is therefore approved.

Respectfully,

1 inclosure.

(Signed, E. A. Itcomb,
Secretary.

Cher 10440

Elmadora Hill

Trans from Del #51

(Old Series)

Cher 10440

#3891.
Del. #51.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 1st, 1900.

In the matter of the application of Latham Lumbard for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Lumbard being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Latham Lumbard.
Q What is your age? A 53.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir/
Q By blood or intermarriage? A Intermarriage.
Q What is the name of your wife? A Lizzie.
Q What was her name before you married her? A Hill.
Q Is she living? A Yes, sir.
Q What is her age? A 38.
Q When were you married to her? A 1887 I think.
Q Have you a certificate of marriage? A Yes, sir.

Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Lizzie Hill, a Cherokee citizen by blood according to the laws of the Cherokee Nation on the 18th day of August, 1887.

- Q What is the name of her father? A James McCamish.
Q What is the name of her mother? A Sarah.
Q Is she living? A Yes, sir.
Q Was Hill her maiden name? A No, sir, McCamish.
Q What is the name of your children? A I haven't any of mine.
Q Eldora Hill; 16 years old.
Q The name of your other one? A James W. Hill, 14.
Q These children alive and living with you? A Yes, sir.
Q Is Lizzie Hill your first wife? A No, sir, I was married 18 years ago on Spavinaw.
Q Who to? A Agness Kiper.
Q Is she living? A No, sir, she lived about eight months after I married her.
Q Is Lizzie Hill's former husband living? A No, sir, he is dead.
Q He died before you married her? A Yes, sir.
Q Did she ever go by the name of Betsy? A I never heard her called that.
Q Is her father and mother living? A Yes, sir.

1880 enrollment; page 286, #1709, Betsy McCamish, Delaware.
1896 enrollment; page 622, #54, Betsy Lumbard, Delaware.
1896 enrollment; page 580, #322, Latham Lumbard, Delaware.
1896 enrollment; page 621, #18, Elmadore Hill, Delaware.
1896 enrollment; page 621, #19, James W. Hill, Delaware.

Com'r Needles:--The name of Latham Lumbard appear upon the census roll of 1896, and he presents satisfactory evidence of his marriage more fully described in the testimony, to one Lizzie Hill, a Cherokee citizen by blood, in the year 1887, and the name of Lizzie Hill appears upon the authenticated roll of 1880 by the name of McCamish, her maiden name. Her name also appears upon the census roll of 1896 as Lizzie Hill. The name of her children, by a former husband, Eldora and James W. Hill, appear upon the census roll of 1896. They all being duly identified according to the page and number of the rolls as indicated in the testimony and having made satisfactory proof as to their residence, said Latham Lumbard will be duly listed for enrollment by this Commission as a Cherokee citizen by intermarriage, and his and his children, as enumerated herein, will be duly listed for enrollment as Cherokee citizens by blood.

Lathan Lombard--2.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete stenographic transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this 4th day of October, 1900.

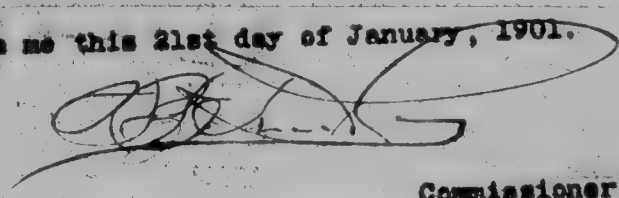
C. R. Breckinridge,
Commissioner.

---000600000---

I, the undersigned, as stenographic to the Commission to the Five Civilized Tribes, state upon my oath that the above and foregoing is a full, true and correct copy of the original transcript of the testimony in the matter of the application for enrollment of Lathan Lombard et al., said original transcript having been made by J. O. Rosson, as stenographer.



Subscribed and sworn to before me this 21st day of January, 1901.



Commissioner.

210440

~~210440~~

IN RE
THE DEATH OF

Emador Hill

a citizen of the

Seber

Nation.

Approved *Jan 14* 1903

[Signature]

Commissioner.



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

D. S. T. I. H.
JAN 14 1903

[Handwritten signature]
ACTING

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

In the matter of the death of Elmadra Hill
(Here insert name of deceased.)
a citizen of the Leharbee Nation, who formerly resided at or near
Vinita, Ind. Ter., and died on the 11th day of
March, 1911.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Mothers District.

I, Siggie Humbard, on oath state that I am 40
years of age and a citizen, by blood, of the Leharbee Nation;
that my post office address is Vinita Retchum, Ind. Ter.; that I am
the mother of Elmadra Hill,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Leharbee Nation;
and that said Elmadra Hill died on the 11th day of
March, 1911.
(Here insert name of deceased.)

WITNESSES TO MARK:
(Must be Two Witnesses.)

Louis [unclear]
Edw [unclear]
Siggie Humbard
mark

Subscribed and sworn to before me this 14 day of Jan 1903.
Simon R. Walkingshoek
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Mothers District.

I, James McCarroll, on oath state that I am 55
years of age, and a citizen, by blood of the M & L Nation;
that my post office address is Retchum, Ind. Ter.;
that I was personally acquainted with Elmadra Hill,
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by blood, of the Leharbee Nation;
and that said Elmadra Hill died on the 11th day of
March, 1911.
(Here insert name of deceased.)

WITNESSES TO MARK:
(Must be Two Witnesses.)

James McCarroll

Subscribed and sworn to before me this 14 day of Jan 1903.
Simon R. Walkingshoek
Notary Public.

JOR
Delaware 51.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., Dec. 4, 1903.

In the matter of application of LIZZIE LUMBARD, for the enrollment of herself and children, Elmadora and ~~Mr~~ James W. Hill, as Delaware citizens of the Cherokee Nation.

LIZZIE LUMBARD, being sworn and examined, testified as follows:

- Q What is your name? A Sally is what my name is.
Q Sarah Elizabeth? A Yes sir.
Q They call you just Lizzie Lumbard? A Yes sir that's what they call me.
Q Your full name is Sarah Elizabeth? A Yes sir.
Q How old are you? A 41.
Q What is your postoffice? A Ketchum.
Q You are a Delaware citizen by blood of the Cherokee Nation are you? A Yes sir.
Q You are a Registered Delaware? A Yes sir.
Q Did you come from Kansas with the Delawares in 1868? A Yes sir.
Q What was your mother's name when she came down here? A Rankins.
Q She is now Sarah A. McCamish? A Yes sir.
Q Who is Alice Rankins? A My sister.

COMMISSION:

From an examination of the Register made in 1867, of Delaware Indians who elect to remove to the Cherokee, Nation, it is found that the applicant, Sarah Elizabeth Lumbard, is identified thereon as Sally Rankins, No. 965.

- Q Have you resided in the Cherokee Nation continuously since the Delawares came to the Cherokee Nation from Kansas? A All the time.
Q Never made your home anywhere else? A No sir.
Q You have a child named James W. Hill? A Yes sir.
Q Is the child living? A Yes sir, he's at home.
Q Your child Elmadora is dead? A Yes sir.
Q Your husband is named Lathan Lumbard? A He was when we enrolled but we parted three years ago.
Q Do you know where he lives now? A Close to Edna.
Q Is he married? A I don't know whether he is or not; I couldn't say:

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R Palmer

Subscribed and sworn to before me this 11th day of December, 1903.

Samuel F. ...
Notary Public.

Cher 10441

Richard W. C. McCamish

Trans. from Del. #52

(Old Series)

Cher 10441

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1st, 1900.

In the matter of the application of Richard W. D. McCamish for enrollment as a citizen of the Cherokee Nation; said McCamish being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Richard W. C. McCamish.
Q How old are you? A 22.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A Half breed.
Q Who do you want to enroll? A Just myself.

1880 enrollment; page 286, #1708, R. W. C. McCamish, Delaware.

1896 enrollment; page 623, #57, Richard W. C. McCamish, Delaware

- Q What is the name of your father? A James McCamish.
Q Your mother? A Sarah.
Q They living? A Yes, sir.

Com'r Needles:--The name of Richard W. F. MacCamish appears upon the authenticated roll of 1880 as well as the census roll of 1896. He is duly identified thereby and having made satisfactory proof as to his residence, he will be duly listed for enrollment by this Commission as a Cherokee citizen by blood.

-- ooo000ooo--

J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rosson

Subscribed and sworn to before me this 4th day of October, 1900.

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1st, 1900.

Q In the matter of the application of Richard W. McCamish for
enrollment as a citizen of the Cherokee Nation; said McCamish being
sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Richard W. C. McCamish.

Q How old are you? A 22.

Q What is your post office address? A Vinita.

Q What district do you live in? A Delaware.

Q Are you a recognized citizen of the Cherokee Nation? A Yes,

sir.

Q By blood? A Yes, sir.

Q What deg ree of blood do you claim? A Half breed.

Q Who do you want to enroll? A Just myself.

1880 enrollment; page 286, #1708, R. W. C. McCamish, Delaware.

1896 enrollment; page 623, #57, Richard W. C. McCamish, Delaware

Q What is the name of your father? A James McCamish.

Q Your mother? A Sarah.

Q They living? A Yes, sir.

Com'r Needles:--The name of Richard W. C. McCamish appears
upon the authenticated roll of 1880 as well as the census roll of
1896. He is duly identified thereby and having made satisfactory
proof as to his residence, he will be duly listed for enrollment by
this Commission as a Cherokee citizen by blood.

FILED
OCT 4 1900
U.S. DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
VINITA, I.T.

CHEROKEES BY BLOOD AND ADOPTION.



Name Richard H. C. McBanish Date OCT 1 - 1900 1900.

District DELAWARE. Year 1880 Page 286 No. 1708

Citizen by blood yes 1/2 Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate Ala

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Dist. | Year | Page | No. | Age |
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1 m 1880 under R.H.C. McBanish

Del. 52

7B
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 1 1900



ACTING CHAIRMAN

Del 52

10d 52

IN RE

Application for Enrollment of

INFANT CHILD

Jim Mc Caruish
as a citizen of

CHEROKEE NATION.

Approved *May 18 1902*

Commissioner.

For Sale by Leader Printing Co., Vinita.

COMMISSION

MAY 18 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED INDIANS

FILED
MAY 17 1902

ACTING CHAIRMAN

BIRTH AFFIDAVIT.

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of James M. Camish, born on the 20 day of Jan, 1902
(here insert name of child)
Name of Father: R. W. C. Mc Camish a citizen of the Cherokee Nation.
Name of Mother: Minnie M. Camish a citizen of the Cherokee Nation.
Post-office, Hatchum, T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Minnie M. Camish, on oath state that I am 20
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of R. W. C. Mc Camish, who is a citizen, by
Blood, of the Cherokee Nation, that a Male child was
(male or female)
born to me on the 20 day of Jan, 1902; that said child has been
named James, and is now living.

WITNESSES TO MARK: Minnie M. Camish

Must be two
Witnesses.

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

Jeff. D. Sexton
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, J. A. Foster, a M.D., on oath state that I
attended on Mrs. Minnie M. Camish, wife of R. W. C. Mc Camish
on the 20 day of Jan, 1902; that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named James M. Camish.

WITNESSES TO MARK: J. A. Foster M.D.

Must be two
Witnesses.

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

Jeff. D. Sexton
NOTARY PUBLIC.

Del 8-2

IN RE

Application for Enrollment of
INFANT CHILD

Ben McComish

as a citizen of

CHEROKEE NATION.

Approved _____ 190

[Large signature]
Commissioner.

For Sale by Eastern Printing Co., Vinita.

COMMISSION TO

FILED
MAY 17 1902

[Signature]
ATTORNEY GENERAL

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Ben McCaruish, born on the 20 day of Jan, 1902. Name of Father: R. W. C. McCaruish a citizen of the Cherokee Nation. Name of Mother: Minnie McCaruish a citizen of the Cherokee Nation. Post-office, Ketchum, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, Minnie McCaruish, on oath state that I am 20 years of age and a citizen, by adoption of the Cherokee Nation; that I am the lawful wife of R. W. C. McCaruish, who is a citizen, by blood of the Cherokee Nation, that a Male child was born to me on the 20 day of Jan, 1902; that said child has been named Ben McCaruish, and is now living.

WITNESSES TO MARK: Minnie McCaruish

Must be two Witnesses.

Subscribed and sworn to before me this 19 day of Apr 1902

Jeff D. Sexton NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, NORTHERN DISTRICT.

I, J. A. Foster, M.D., on oath state that I attended on Mrs. Minnie McCaruish wife of R. W. C. McCaruish on the 20 day of Jan, 1902; that there was born to her on said date a Male child; that said child is now living and is said to have been named Ben McCaruish.

WITNESSES TO MARK: J. A. Foster M.D.

Must be two Witnesses.

Subscribed and sworn to before me this 19 day of Apr 1902

Jeff D. Sexton NOTARY PUBLIC.

MARRIAGE LICENSE

STATE OF OKLAHOMA
DEPARTMENT OF THE INTERIOR

1104

Richard McCarrish

Vinita

21

Miss Winnie Slate

Vinita

18

8th

Sept.

9

(SEAL)

(Signed) J.C. Anderson

(Signed) James A. Winston

Commissioner

COMMISSIONER OF THE BUREAU OF LANDS
DEPARTMENT OF THE INTERIOR

MAY 19 1905

FILED

at _____ of the Cherokee Nation.

This document is evidence in the matter of the application for enrollment of _____

and the undersigned do hereby certify that the above and foregoing is a true and correct copy of

7702

117
MARRIAGE LICENSE.

1011 57
UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

No. 1104

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
Mr. Richard McCamish, of Vinita, in
the Indian Territory, aged 21 years, and M. iss Minnie Slate,
of Vinita, in the Indian Territory, aged 18 years,
according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory this 8th day of
Sept. A. D. 1899.

(SEAL)

(Signed) James A. Winston
Clerk of the U. S. Court.

By (Signed) J. C. Anderson Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT,

I, J. J. Carroll, a Minister of the Gospel, Do HEREBY CERTIFY,
that on the 10th day of Sept, A. D. 1899, I did duly and
according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
of Matrimony between the parties therein named.

WITNESS my hand this 16th day of Sept. A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book Book, Page 250.

(Signed) J. J. Carroll
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, James A. Winston, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for
record in my office the 29 day of Nov 1899, at M., and duly
recorded in Book I, Marriage Record, Page 19.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,
this 7 day of Dec., A. D. 1899.
(Signed) James A. Winston Clerk.
By Deputy.

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

Muskogee, Nov 14 1902

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of Richard
McCamish as citizen of the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 15 1902

[Signature]
Commissioner.

952

(RECEIVED)
NOV 14 1899

ATTEST

18

RECORDED

ATTEST

1104

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of FLORENCE STEWART for the enrollment of herself and her sons, WILLIAM M. and SAMUEL, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I'm 60 years old.
Q What is your postoffice address? A Ketchum.
Q Are you a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q How long have you been a citizen by intermarriage? A I was married in '72.
Q Are you a member of the Cherokee Senate? A Yes sir.
Q Do you know Florence Stewart? A Yes sir.
Q About how old is she? A Oh, I don't know, about 26 or '7 probably. She's a Delaware woman.
Q What is her postoffice address? A Ketchum.
QX She the daughter of Kirt Hill and a woman named Lombard?
A Yea sir.
Q Has she lived in the Cherokee Nation ever since you've known her?
A Yes sir.
Q She living in the Cherokee Nation now? A Yes sir.
Q Never lived out? A No sir.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 12th day of December, 1903.

Samuel Foreman

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of RICHARD W. C. McCAMISH for the enrollment of himself and his sons, JIM and BEN, as citizens of the Cherokee nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A William T. Davis.
- Q How old are you? A I'm 60 years old.
- Q What is your postoffice address? A Ketchum.
- Q Are you a citizen by intermarriage of the Cherokee Nation?
- A Yes sir.
- Q How long have you been a citizen by intermarriage? A I was married in '72.
- Q Are you a member of the Cherokee Senate? A Yes sir.
- Q Do you know Richard W. C. McCamish? A I know a fellow Richard; don't know whether there's a W.C. to his name or not.
- Q This is a man about 25 now, the son of James and Sarah A. McCamish? A That's the one, yes sir.
- Q What is his postoffice? A Ketchum.
- Q Does he claim to be a Delaware? A Yes sir.
- Q How long have you known him? A Oh, I've known him ever since he was a little boy, 20 years at least.
- Q Has he lived in the Cherokee Nation ever since you've known him?
- A Yes sir.
- Q Is he living in the nation now? A Yes sir, was the other day.
- Q Never lived anywhere else since you've known him? A No sir.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 12th day of December, 1903.

Notary Public

Delaware- 52.

Muskogee, Indian Territory, April 25, 1902.

Mr. R. W. C. McGamish,

Ketchum, Indian Territory,

Dear Sir:

The Commission is in receipt of birth affidavits in the matter of the applications of Jim and Ben McGamish for enrollment as citizens of the Cherokee Nation. As the mother of these children is a white woman, it will be necessary that you furnish the Commission with your original marriage license and certificate. This you are requested to do as early as possible as the affidavits as to the births of your children can not receive further consideration until the request of the Commission has been complied with .

Yours truly,

Commissioner in Charge.

Cher 10442

George Washington

Trans. from Del. # 53

(Old Series)

Cher 10442

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1st, 1900.

In the matter of the application of Edson Washington for the enrollment of himself and boys as citizens of the Cherokee Nation; said Washington being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Edson Washington.
Q How old are you, Mr. Washington? A 43.
Q What is your post office address? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir, Delaware.
Q For whom do you apply? A Me and my two boys.
Q Your wife living? A No, sir, dead.
Q What was her name? A Pollie.
Q Was she Delaware by blood? A Yes, sir.
Q When did you marry her? A I could not tell you.
Q Is she on the roll of 1880? A I do not know.
Q What was her name before you married her? A Marshall.
Q What is the name of your children? A George.
Q How old is he? A Ten years old.
Q Is he living with you? A Yes, sir.
Q You always lived in the Cherokee Nation? A Yes, sir.

1880 enrollment; page 336, #2878, Washington, Edson, Delaware.

1896 enrollment; page 390, #738, Edson Washington, Coowees-

coowee.
1896 enrollment; page 390, #739, George Washington, Coowees-

coowee.
Q Was your wife ever married before she married you? A Yes, sir, married Joe Brown.

1880 enrollment; page 66, #188, Polley Brown, Cooweescoowee.

Q You have always lived in the Cherokee Nation? A Yes, sir.

Com'r Needles. The name of Edson Washington appears upon the authenticated roll of 1880 as well as the census roll of 1896. He avers that he was married to one Polly Brown, whose name appears upon the authenticated roll of 1880, now being deceased. The name of his child, George, appears upon the census roll of 1896. They all being duly identified according to the page and number of the rolls, and having made satisfactory proof as to his residence, said Edson Washington and said George Washington, will be duly listed for enrollment as Cherokee citizens by Delaware blood.

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J. O. Keason, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the same, as the same appeared.

Subscribed and sworn to before me this 5th day of October, 1900.

[Handwritten Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WISKA, I.T., OCTOBER 1st, 1900.

CONFIDENTIAL.

Statement of the application of Edson Washington for the
right of himself and boys as citizens of the Cherokee Nation;
the same being read by Commissioner T. B. Goodwin, testified
following:

- Q. What is your name? A. Edson Washington.
Q. How old are you, Mr. Washington? A. 43.
Q. What is your full name and address? A. Edson Washington, P.O. Box 100, Cherokee, I.T.
Q. How long have you lived in the Cherokee Nation?
A. I was a recognized citizen of the Cherokee Nation in 1891.
Q. By blood you are Delaware? A. Yes, sir.
Q. For whom do you apply? A. Me and my two boys.
Q. Your wife living? A. No, sir, dead.
Q. What was her name? A. Polly.
Q. How long before you died? A. She died in 1891.
Q. How long ago did you die? A. I could not tell you.
Q. How long before you died? A. I could not tell you.
Q. How long before you died? A. I could not tell you.
Q. How long before you died? A. I could not tell you.
Q. How long before you died? A. I could not tell you.
Q. How long before you died? A. I could not tell you.
Q. How long before you died? A. I could not tell you.
Q. How long before you died? A. I could not tell you.
Q. How long before you died? A. I could not tell you.

1890 enrollment; age 35, 4275, Washington, Edson, Delaware.
1896 enrollment; age 39, 4758, Edson Washington, Delaware.

1897 enrollment; age 40, 4758, George Washington, Delaware.

JR

Delaware #83.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.

In the matter of the application of EDSON WASHINGTON, for the enrollment of himself and son, George Washington, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Edson Washington, as Edson Washington, No. 672.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

C. R. ...
Commissioner

RP

Cher 10443

Robert L. Lunday

Trans. from Del. #54
(Old Series)

Cher 10443

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 1st, 1900.

In the matter of the application of Robert L. Lunday for the enrollment of himself, wife and children as Cherokee citizens, himself and children of Delaware blood, and his wife, a white woman; being sworn and examined by Commissioner Breckinridge he testified as follows:

- Q Give me your name? A Robert L. Lunday.
Q How old are you? A 28.
Q What is your postoffice? A Klaus.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A Myself, wife and two children.
Q Do you apply for yourself as a Cherokee by blood? A Delaware.
Q Your wife is a Cherokee or what? Q White.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is the name of your father? A Robert Lunday.
Q Dead or alive? A Alive.
Q Name of your mother? A Louisa.
Q Dead or alive? A Dead.
Q How long has she been dead? A 1898.
Q Give me your wife's name? A My present wife is Edna; I have been married twice.
Q How old is she? A 25.
Q When did you marry her? A 1898.
Q Have you got a certificate of marriage? A No, sir, I have license. [Produces papers.]
Com'r: The applicant presents license issued by the Clerk of the United States Court for the Northern District of the Indian Territory authorizing him to marry Miss Edna Raigh, and the certificate shows that they were married on the same date, by the mayor of Vinita; this is filed herewith.
Q This is your second marriage? A Yes, sir.
Q Your wife Edna is living now? A Yes, sir.
Q She has lived with you ever since she married you? A Yes, sir.
Q When were you married before? A 1892.
Q To whom were you married then? A To Minnie L. Jones.
Q Cherokee or a white woman? A White woman.
Q Is she dead or alive? A She is dead.
Q When did she die? A 1895.
Q Have you a certificate of your marriage to her? A No, sir.
Q How old was she when she died? A 21.
Q Was she never married before? A No, sir.
Q Your present wife was never married until you married her this time? A No, sir.
Q Give me the names of your children? A Robert H.
Q How old is he? A 7.
Q Next child? A William E.
Q How old is he? A 5.
Q Both living are they now? A Yes, sir.
Q They are both the children of your first wife? A Yes, sir.
1898 roll page 279 #1519 Robert L. Lunday Delaware District, adopted Delaware.
1898 roll page 282 #1520 Robert Lunday Delaware District.
1898 roll page 282 #1521 Robert H. Lunday Delaware District.
1898 roll page 282 #1522 William E. Lunday Delaware District.

JOHN A. CHAMBER, being sworn and examined by Commissioner Breckinridge testified as follows:

Q What is your name? A John A. Chandler.
 Q What is your age? A 58.
 Q What is your postoffice? A Vinita.
 Q How long have you lived in the Cherokee Nation? A About 18 or 20 years.
 Q You know the applicant here, Mr. Landay? A Yes, sir.
 Q He is a married man is he? A Yes, sir.
 Q Is he married now to his first or second wife? A Second wife this time.
 Q What is the name of his first wife? A Minnie Jones.
 Q When did he marry her? A They married there at my house but I don't remember exactly the time.
 Q How long has she been dead? A I don't remember that.
 Q Did she live several years after he married her? A Yes, sir, they had two children.
 Q They lived together from the time they were married until she died? A Yes, sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and two children; he is identified on the rolls of 1880 and 1896 as an adopted Delaware; he has lived in the Cherokee Nation all his life and he will be listed now for enrollment as an adopted Delaware.

His two children by his first wife are identified with him on the roll of 1896; they are living at this time, and his marriage to their mother is established by his own and other satisfactory personal testimony; they were married in 1892, and she died several years thereafter, say in 1895, and they lived together as husband and wife from the time of their marriage until she died; these children will now be listed for enrollment as Cherokee-Delawares.

As for the enrollment of the applicant's present wife, she is shown to have married in 1898, too late for her to acquire the right of enrollment by intermarriage under the Cherokee law of 1895, and the application for her enrollment at this time will be rejected.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this 1st day of Oct., 1900.

(Signed) C. R. Breckinridge,

Commissioner.

~~Arthur~~ Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

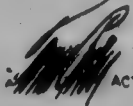
Subscribed and sworn to before me this 16th day of November, 1901.

M. D. Green
 Notary Public.

Del 54 73

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1900



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

198
 Name Robert L. Lunday, Male, 39 Date OCT 1 1900
 District DELAWARE Year 1870 Page 279 No. 1579
 Citizen by blood Delaware Mother's citizenship Robert B. Lunday
 Intermarried citizen Louisa
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

* Wife's name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood Yes Mother's citizenship _____
 Intermarried citizen Yes
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

Names of Children
 2 Robert H. Lunday Dist. DELAWARE Year 1846 Page 622 No. 43 Age 17
 3 William E. Dist. Muni Year " Page 622 No. 44 Age 5
 _____ Dist. _____ Year _____ Page _____ No. _____ Age _____
 _____ Dist. _____ Year _____ Page _____ No. _____ Age _____
 _____ Dist. _____ Year _____ Page _____ No. _____ Age _____
 _____ Dist. _____ Year _____ Page _____ No. _____ Age _____
 _____ Dist. _____ Year _____ Page _____ No. _____ Age _____
 _____ Dist. _____ Year _____ Page _____ No. _____ Age _____
 _____ Dist. _____ Year _____ Page _____ No. _____ Age _____

- 1 Oct 1870 Rollas Robert L. Lunday
- 2 " 1846 " " Robert H. " "
- 3 " " " " William E. " "

Del 54

~~Robert S. 10463~~

Li.

IN RE

Application for Enrollment of

INFANT CHILD

Jessie Maud Sunday

as a citizen of
CHEROKEE NATION.

Approved **FEB 25 1901** 190

[Signature]

Commissioner.

For Sale by Leader Printing Co., Visalia.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 25 1901

[Signature]
CHIEF CLERK

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Jessie Maud Lunday born on the 22 day of November, 1900
(here insert name of child)
Name of Father: R. L. Lunday, a citizen of the Cherokee Nation.
Name of Mother: Edna Lunday, a citizen of the Cherokee Nation.
Post-office, Cleora

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Edna Lunday, on oath state that I am Twenty Six
years of age and a citizen, by Adoption of the Cherokee Nation;
that I am the lawful wife of R. L. Lunday, who is a citizen, by
Blood, of the Cherokee Nation, that a Female child was
(male or female)
born to me on the 22 day of November, 1900; that said child has been
named Jessie Maud, and is now living.

WITNESSES TO MAKE:

Mrs Edna Lunday

(Must be two
Witnesses.)

Subscribed and sworn to before me this 20th day of February, 1901.

Jeff D. Sexton

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, M. C. Wall, a Midwife, on oath state that I
attended on Mrs. Edna Lunday, wife of R. L. Lunday
on the 22 day of November, 1900; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Jessie Maud.

WITNESSES TO MAKE:

M. C. Wall

(Must be two
Witnesses.)

Subscribed and sworn to before me this 20th day of February, 1901.

Jeff D. Sexton

NOTARY PUBLIC.

back

IN RE

Application for Enrollment of

INFANT CHILD

Mark Lunday

as a citizen of

CHEROKEE NATION.

Approved *Sept 22* 190*2*

[Signature]

Commissioner.

For Sale by Leader Printing Co., Vinita.



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

FILED
SEP 23 1902

[Signature]

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Mark Lunday (here insert name of child), born on the 15 day of August, 1902

Name of Father: Robert L Lunday, a citizen of the Cherokee Nation.

Name of Mother: Edna Lunday, a citizen of the Cherokee Nation.

Post-office, Chester S.C.

AFFIDAVIT OF MOTHER.

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

I, Edna Lunday, on oath state that I am 28 years of age and a citizen, by Adoption of the Cherokee Nation; that I am the lawful wife of Robert L Lunday, who is a citizen, by Blood, of the Cherokee Nation, that a Male (male or female) child was born to me on the 15 day of August, 1902; that said child has been named Mark Lunday, and is now living.

WITNESSES TO MARK: Edna Lunday

(Must be two Witnesses.)

Subscribed and sworn to before me this 15 day of September 1902.

Jeff D. Sexton
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, L W Trautt, M.D., on oath state that I attended on Mrs. Edna Lunday, wife of Robert L Lunday on the 15 day of August, 1902; that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named Mark Lunday.

WITNESSES TO MARK: L W Trautt M.D.

(Must be two Witnesses.)

Subscribed and sworn to before me this 15 day of September 1902.

Jeff D. Sexton
NOTARY PUBLIC.

~~Del 24~~
C. 10443

IN RE
THE DEATH OF

William David Lunda
a citizen of the
Cherokee Nation.

Approved Nov 4 1902
W. H. Burkhead
Commissioner.

Encl. m. 181



Approved by the

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 4 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jessie Hand Sunday
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Clava Ind. Ter., and died on the Twenty day of
(Here insert name of postoffice.)
March, 1902.

AFFIDAVIT OF RELATIVE.

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

I, Robert L Sunday, on oath state that I am 31
years of age and a citizen, by Blood, of the Cherokee Nation;
that my post office address is Clava, Ind. Ter.; that I am
(Here insert name of post office.)
the Father of Jessie Hand Sunday,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Cherokee Nation;
and that said Jessie Hand Sunday died on the 17 day of
(Here insert name of deceased.)
March, 1902.

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 day of October 1902.

Jeff D. Sexton
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, Josie Sunday, on oath state that I am 36
years of age, and a citizen, by Blood, of the Cherokee Nation;
that my post office address is Clava Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Jessie Hand Sunday
(Here insert name of deceased.)
who was a citizen, by Blood, of the Cherokee Nation;
and that said Jessie Hand Sunday died on the 17 day of
(Here insert name of deceased.)
March, 1902.

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 17 day of October 1902.

Jeff D. Sexton
Notary Public.

Delaware 54

Muskogee, Indian Territory, October 27, 1908.

R. L. Lunday,
Okcra, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of October 21, enclosing affidavit showing the death, on March 15, 1908, of your daughter, Jessie Maud Lunday, heretofore an applicant for enrollment by this Commission as a Delaware citizen of the Cherokee Nation, and asking if your child, Mark Lunday, has been properly listed for enrollment.

In reply, you are advised that your child, Mark Lunday, has heretofore been regularly listed for enrollment as a citizen of the Cherokee Nation.

The affidavit as to the death of your daughter, Jessie Maud Lunday, is herewith returned to you and you are requested to have the notary, before whom you and Josie Lunday executed the affidavit, affix thereto his notarial seal.

Respectfully,

Commissioner in Charge.

Enc. M-181

Cher 10444

Florence Stewart

Trans. from^d Del. #55

(Old Series)

Cher 10444

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wash, D. C. October 1st, 1900.

IN THE MATTER OF THE APPLICATION OF FLORENCE STEWART FOR HER
ENROLLMENT OF HERSELF AS A CHEROKEE CITIZEN, AND FOR THE ENROLLMENT OF
CHILDREN AS CHEROKEE CITIZENS.

The said Florence Stewart, being sworn and examined by Commissioner
T. B. Needles, testified as follows:

Q What is your name? A Florence Stewart.

Q How old are you? A Twenty-one.

Q What is your postoffice address? A Ketchum.

Q What district do you live in? A Delaware.

Q Are you a recognized citizen of the Cherokee Nation? A Yes,
sir.

Q By blood? A Yes, sir.

Q What degree of blood do you claim? --about how much? A About
one-fourth, I think.

Q For whom do you apply? Who do you want to have enrolled?
A Me and my children.

Q Are you married? A Yes, sir. Leeman

Q What is your husband's name? A Leeman Stewart.

Q When did you marry him? A In 1899.

Q Is he living? A Yes, sir.

Q What was your name before you married him? A McCamish.

Q What are the names of your children? A One of them is
William McCamish.

Q How old is he? A Four years old.

Q What is the name of the next one? A Samuel Stewart.

Q Any middle name? A No, sir.

Q How old is Samuel? A Four months old.

Q Have you got any proof of the birth of Samuel? A Yes, sir.

THE COMMISSIONER: Applicant presents satisfactory proof of birth
of the child Samuel.

Q What are you, Cherokee, Shawnee or Delaware? A Delaware.
1880 Roll, page 286, No. 1710, Florence McCamish, Delaware District.

1896 Roll, page 523, No. 60, Florence McCamish, Delaware District.

1896 Roll, page 523, No. 61, Wm. McCamish, Delaware District.

Are these children alive and living with you? A Yes, sir.

Q William was born before your marriage? A Yes, sir.

THE COMMISSIONER: The name of Florence McCamish Stewart appears
upon the authenticated roll of 1880 and the census roll of 1896
as Florence McCamish. She avers that she was married to one Leeman
Stewart in the year 1899, and as the result of that marriage she has
one child named Samuel, four months of age, and she presents satisfactory
proof of birth as to said child; she also avers that she has one child
named William McCamish born before her marriage. They all being
duly identified according to the page and number of the roll and having
made satisfactory proof as to their residence, the said Florence Stewart
and her children William McCamish and Samuel Stewart will be duly listed
for enrollment as Cherokee citizens of Delaware blood.

The undersigned, being sworn, states that as stenographer to the
Commissioner to the Five Civilized Tribes he correctly recorded the testi-
mony and took a proceeding in his application for enrollment, and
that the foregoing is a correct and complete transcript of his sten-
ographic notes thereof.
Subscribed and sworn to before me this
10th day of October 1900.

[Handwritten signature]

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 1 - 1900 1900.

Name Ketchum J. J.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License 1 _____ Certificate _____

Wife's name Florence Stewart ne McCaruish

District DELAWARE, Year 1880 Page 286 No. 1710

Citizen by blood yes ^{1/4} Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| | | | | | | | | | | | |
|----------|--------------------------|-------|------------------|------|-------------|------|------------|-----|-----------|-----|-----------|
| <u>1</u> | <u>William M Stewart</u> | Dist. | <u>DELAWARE.</u> | Year | <u>1896</u> | Page | <u>223</u> | No. | <u>61</u> | Age | <u>4</u> |
| <u>3</u> | <u>Samuel</u> | Dist. | | Year | | Page | | No. | | Age | <u>2m</u> |
| | | Dist. | | Year | | Page | | No. | | Age | |
| | | Dist. | | Year | | Page | | No. | | Age | |
| | | Dist. | | Year | | Page | | No. | | Age | |
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| | | Dist. | | Year | | Page | | No. | | Age | |

1 m 1880 ne as Florence McCaruish.
 2 " 1896 " " Mrs McKinley McCaruish
 3 Birth Appraisals supplied

Del. 55

Char. 10444 ~~255~~ - 73

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 1 1900



ACTING CHAIRMAN

Del 53 76

IN RE

Application for Enrollment of

INFANT CHILD

Samuel Stewart

as a citizen of the

Cherokee Nation.

Approved *OCT 1 - 1900*

Robert C. ...
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 1 1900

Del 53 and No 55

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Samuel Stewart, born on the 19 day of May, 1900
(Here insert name of child.)
Name of Father: Lee man Stewart, a citizen of the _____ Nation.
Name of Mother: Florence Stewart, a citizen of the Cherokee Nation.
Post-office: Titchum S.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District.

I, Florence Stewart, on oath state that I am 21
years of age and a citizen, by Blood, of the Cherokee Nation;
that I am the lawful wife of Lee man Stewart, who is a citizen, by
adoption, of the Cherokee Nation; that a Male child was
born to me on the 19 day of May, 1900, that said child has been
named Samuel Stewart, and is now living.

WITNESSES TO MARK:

Florence Stewart

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 28 day of Sept, 1900

J. E. Bunting
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District.

I, Elizabeth Lumbard, a Midwife, on oath state that I
attended on Mrs. Florence Stewart, wife of Lee man Stewart,
on the 19 day of May, 1900, that there was born to her on
said date a Male child; that said child is now living and is said to have been
named Samuel Stewart.

WITNESSES TO MARK:

Elizabeth Lumbard
marks

(Must be Two
Witnesses.)

Subscribed and sworn to before me this

28 day of Sept, 1900

J. E. Bunting
NOTARY PUBLIC

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of FLORENCE STEWART for the enrollment of herself and her sons, WILLIAM M. and SAMUEL, as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I'm 60 years old.
Q What is your postoffice address? A Ketchum.
Q Are you a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q How long have you been a citizen by intermarriage? A I was married in '72.
Q Are you a member of the Cherokee Senate? A Yes sir.
Q Do you know Florence Stewart? A Yes sir.
Q About how old is she? A Oh, I don't know, about 26 or '7 probably. She's a Delaware woman.
Q What is her postoffice address? A Ketchum.
QX She the daughter of Kim Hill and a woman named Lombard?
A Yes sir.
Q Has she lived in the Cherokee Nation ever since you've known her?
A Yes sir.
Q She living in the Cherokee Nation now? A Yes sir.
Q Never lived out? A No sir.

Nabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Nabel F. Maxwell

Subscribed and sworn to before me
this 18th day of December, 1903.

Samuel Foreman

Notary Public.

JOR
Delaware 55.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., Dec. 4, 1903.

In the matter of the application of FLORENCE STEWART, for the enrollment of herself and children, William M., and Samuel, as Delaware citizens of the Cherokee Nation.

FLORENCE STEWART, being sworn and examined, testified as follows:

- Q What is your name? A Florence Stewart.
Q How old are you? A 24.
Q What is your postoffice? A Ketchum.
Q You are a Delaware are you? A Yes sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Have you resided in the Cherokee Nation continuously all of your life? A Yes sir.
Q Never made your home anywhere else at all? A No sir.
Q You have children William M., and Samuel? A Yes sir.
Q Are they both living? A Yes sir.
Q What is the name of your oldest child? A William McKinley.
He is put on as McCamish on one roll.
Q William McKinley McCamish? A Yes sir.
Q What is the name of the father of that child? A Davis.
Q John Davis? A Yes sir.
Q You were not married to him? A No sir.
Q How does the child get the name of McCamish? A He was enrolled with maw, they enrolled me with the McCamish's and when he enrolled they just let them call him McCamish.
Q Do you want the child's name put on the roll as McCamish?
A I put it down the last time, Stewart.
Q The child's father is named John Davis? A Yes sir.
Q Wouldn't the child be named William M. Davis? A It would be, but they told me to let it go by my name.
Q How do you want the child put down? A Stewart.
Q That's the way you want the name to stay is it? A Yes sir.
Q The other child, Samuel, that's your child by Leman Stewart?
A Yes sir.
Q You and he are married? A Yes sir.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recorded the testimony and proceedings had in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 11th day of December, 1903.

Samuel Foreman
Notary Public.

Cher 10445

John B. Lynch

Trans. from Del. # 56

(Old Series)

Cher 10445

DEPARTMENT OF THE INTERIOR..

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 1st, 1900.

IN THE MATTER OF THE APPLICATION OF LULA JANE LYNCH FOR THE ENROLLMENT OF HER CHILD JOHN B. LYNCH, AS A CHEROKEE OFFSPRING.

The said Lula Jane Lynch, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Lula Jane Lynch.
Q How old are you? A Twenty-two years old.
Q Are you a citizen of the Cherokee Nation? A No, sir; my husband was a citizen.
Q Is he dead? A Yes, sir.
Q Who do you apply for? A For my baby.
Q What was the name of your husband? A Luther Lynch.
Q When did you marry him? A In 1898.
Q Is he living? A No, sir; he is dead.
Q Have you got a certificate of marriage? A No, sir; I couldn't get any certificate.
Q Have you got any proof of marriage? A Yes, sir; here is his mother's.
Q He was a citizen by blood, was he? A Yes, sir.
Q What is the name of the child? A John B. Lynch.
Q How old is John B. Lynch? A He is two years old--he is fifteen months old.
Q Is that the only child you have? A Yes, sir.
Q This child is living and living with you? A Yes, sir.
Q Have you been married since your husband died? A No, sir.
Q You never married until 1898 to start on? A No, sir.

ALICE J. LYNCH, being sworn and examined by the Commissioner testified as follows:

- Q What is your name? A Alice J. Lynch.
Q How old are you? A Forty-five years old.
Q What is your post office? A Vinita.
Q Do you know Lula J. Lynch? A Yes, sir.
Q Is she the wife of your son Luther? A Yes, sir.
Q Were they married? A Yes, sir; they was married.
Q You saw them married? A No, sir; I never saw them married.
Q How do you know they were married? A Because he took the license and went and got married. They was married in Afton.
Q Did he live with his wife until his death? A Yes, sir.
Q And they lived together as man and wife? A Yes, sir.
Q Did you see them married? A No, sir.
Q Do you know who married them? A Preacher Began.
Q Is he living? A Yes, sir; I think he is.
THE APPLICANT: Yes, sir, he was living the last time I heard of him. He lives in Bristol.
(Examination of applicant continued) Q You were married according to law? A Yes, sir, indeed I was married by law.

1860 Roll, page 282, No. 1599, Luther L. Lynch, Delaware District.

THE COMMISSIONER: The applicant Lula J. Lynch, applied for the enrollment of her son John B. Lynch, fifteen months old. She presents satisfactory proof of the birth of said child, it having been born before the census roll of 1896 was compiled and its name does not appear thereon.

RECORDED IN THE OFFICE OF THE COMMISSIONER OF THE FIVE CIVILIZED TRIBES AT WASHINGTON, D. C. OCT 17 1900

She avers that she was married to Luther Lynch, a Cherokee citizen of Delaware blood, in the year 1898, and satisfactory proof is made as to her marriage to said Luther Lynch, now deceased, whose name appears upon the authenticated roll of 1880. Satisfactory proof being made as to her residence and the residence of this child, the said John F. Lynch, will be duly listed for enrollment as a Cherokee citizen of Delaware blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed & sworn to before me this 15th day of Oct 1900

[Signature]
Commissioner

500

RECEIVED
THE INDIAN
BUREAU
SEP 18 1890

~~CONFIDENTIAL~~

She avers that she was married to Luther Lynch, a Cherokee citizen of Delaware blood, in the year 1898, and satisfactory proof is made as to her marriage to said Luther Lynch, now deceased, whose name appears upon the authenticated roll of 1890. Satisfactory proof being made as to her residence and the residence of this child, the said John Lynch, will be duly listed for enrollment as a Cherokee citizen of Delaware blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed & sworn to before me this 18th day of October 1900

Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date *Winters Dec* OCT 1 - 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate *Willard*

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship *Parents { Luther Lynch /*

Intermarried citizen *Carla J. Lynch*

Married under what law Date of marriage

License Certificate

Names of Children:

John B. Lynch

| Dist. | Year | Page | No. | Age |
|------------|------------|------------|------------|--------------|
| <i>---</i> | <i>---</i> | <i>---</i> | <i>---</i> | <i>15 mo</i> |
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1 affidavit of birth supplied

Willard 56

Del 56

'IN RE

Application for Enrollment of

INFANT CHILD

John B. Lynch

as a citizen of the

Cherokee Nation.

Approved *[Signature]* 1900

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES
FILE NO. 100
DEC 11 1900

Rollard No 56

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of John B Lynch, born on the 14th day of June, 1899.
(Here give name of child.)
Name of Father Luther F Lynch, a citizen of the Cherokee Nation.
Name of Mother Lula J Lynch, a citizen of the Cherokee Nation.
Post-office After Vinita, Id.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northwestern District.

I, Lula J Lynch, on oath state that I am 37
years of age and a citizen, by Adoption, of the Cherokee Nation;
that I am the lawful wife of Luther F Lynch, who is a citizen, by
Blood, of the Cherokee Nation; that a Male child was
(male or female)
born to me on the 14th day of June, 1899; that said child has been
named John B Lynch, and is now living.

WITNESSES TO MAKE: Lula J Lynch
(Must be Two Witnesses.)

Subscribed and sworn to before me this 20th day of Sept., 1900
J. E. Quinn
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northwestern District.

I, Alice Lynch, a Midwife, on oath state that I
attended on Mrs. Lula J Lynch wife of Luther F Lynch
on the 14th day of June, 1899; that there was born to her on
said date a male child; that said child is now living and is said to have been
named John B Lynch.
(male or female)

WITNESSES TO MAKE: Alice Lynch
(Must be Two Witnesses.) A. M. Fishback

Subscribed and sworn to before me this 20th day of Sept., 1900.
J. E. Quinn
NOTARY PUBLIC.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application for the enrollment of
JOHN B. LYNCH as a citizen of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the
Commission, testified as follows:

- Q What is your name? A William T. Davis.
Q How old are you? A I'm 60 years old.
Q What is your postoffice address? A Ketchum.
Q Are you a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q How long have you been a citizen by intermarriage? A I was
married in '72.
Q Are you a member of the Cherokee Senate? A Yes sir.
Q Do you know a child about 4 years old, named John B. Lynch?
A That's Luther Lynch's kid; I don't know what its name is.
Q It is the child of Luther L. Lynch, a Delaware, and Lula J.
Lynch, a white woman? A Yes sir.
Q Did you know Luther L. Lynch during his lifetime? A Yes sir.
Q Is he dead now? A Yes sir.
Q When did he die? A Oh, it's been most about 3 years ago, killed
by lightning; lightning struck him.
Q Did he live all his life in the Cherokee nation? A Yes sir.
Q Was he living here when he died? A Yes sir.
Q Was this child born in the nation? A Yes sir.
Q Is he living with his mother now? A Well, I'm not positive about
that; she's not here now.
Q Where is the child? A I am not positive whether she took it or
left it with the old lady Lynch. Some of her people from the
states came and taken her away not a great while ago.
Q She lived with Luther Lynch up to the time he died, did she?
A Yes sir.

Mabel F. Maxwell, being duly sworn, states that, as
stenographer to the Commission to the Five Civilized Tribes, she
correctly recorded the supplemental testimony in this case, and
that the above and foregoing is a true and complete transcript
of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 12th day of December, 1903.

Samuel Foreman

Notary Public.

Cher 10446

Ada J. Lynch

Trans. from Del. #57

(Old Series)

Cher 10446

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 1st, 1900.

IN THE MATTER OF THE APPLICATION OF ALICE J. LYNCH FOR THE ENROLLMENT OF HERSELF AND CHILDREN AS CHEROKEE CITIZENS.

The said Alice J. Lynch, being sworn and examined by Commissioner T. B. Hendrix, testified as follows:

- Q What is your name? A Alice J. Lynch.
Q How old are you? A I am forty-five years old.
Q What is your post office? A Vinita.
Q What district do you live in? A Delaware District.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A No, not by blood.
Q Are you a Shawnee? A I am a Delaware.
Q You are a Delaware by blood? A Yes, sir.
Q Who do you apply for enrollment? Who do you want to enroll? A For myself and children, I guess.
Q You have got no husband? A My husband is dead.
Q What was your name before you were married? A Alice Jane Rankins.
Q When were you married? A About twenty-three years ago.
Q Your husband is not living? A No, sir; he is dead.
Q Have you been married since his death? A No, sir.
Q What are the names of your children? A The oldest child is Ada Jane Lynch, that is living at home, and under twenty one years of age.
Q How old is she? A She is fifteen.
Q What is the name of the next one? A Mary Elizabeth Lynch.
Q How old is Mary? A Thirteen years old.
Q What is the name of the next one? A Benjamin Harrison Lynch.
Q How old is he? A He is ten years old his next birthday.
Q The name of the next one? A Sarah Frances Lynch.
Q How old is she? A Five years old.
Q The next one? A Charles W. A. Lynch.
Q How old is he? A He is about three years old.
Q That makes five at home? A Yes, sir.
Q Are those children all alive and living with you? A Yes, sir.
Q You have always lived in the Cherokee Nation yourself? A Yes, sir.

1899 Roll, page 233, No. 1896, Alice J. Lynch, Delaware District.

What was your husband's name? -- His first name? A Charles F. Lynch.

1898 Roll, page 528, No. 46, Alice J. Lynch, Delaware District.

1899 Roll, page 434, No. 46, Ada J. Lynch, Delaware District.

1898 Roll, page 434, No. 46, Mary E. Lynch, Delaware District.

1898 Roll, page 434, No. 46, Benjamin Harrison Lynch, Delaware District.

The Commissioner, on the day of Alice J. Lynch's application, was advised by the roll of 1899 as well as the census roll of 1898, and the name of her husband was Charles F. Lynch, and the name of her children were Ada J. Lynch, Mary E. Lynch, Benjamin Harrison Lynch, and Sarah Frances Lynch, and the roll of 1898 and the census roll of 1898 were satisfactory proof as to the birth of the youngest child Charles W. A. Lynch, whose name does not appear upon the said roll. They all being duly identified and the same satisfactory proof as to their residence, the said Alice J. Lynch and her said children will be duly listed for enrollment by this Commission as Cherokee citizens of Delaware blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of October 1900.

[Handwritten Signature]
[Handwritten Signature]
Commissioner. (

DEPARTMENT OF THE INTERIOR ^B
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 1 1900



ACTING CHAIRMAN

Del 57

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct 1 - 1900 1900.

Name Vivian J.S.

District _____ Year _____ Page _____ No. _____

Citizen by blood " Mother's citizenship "

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License (U) Certificate _____

Wife's name Alice J. Lynch

District DELAWARE Year 1880 Page 282 No. 1598

Citizen by blood yes Mother's citizenship Del

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Names of Children: | Dist. | Year | Page | No. | Age |
|----------------------|------------------|-------------|------------|-----------|-----------|
| <u>Minnie J.</u> | | | | | |
| <u>Ada J. Lynch</u> | <u>DELAWARE.</u> | <u>1846</u> | <u>622</u> | <u>48</u> | <u>11</u> |
| <u>Mary E.</u> | <u>DELAWARE,</u> | <u>1846</u> | <u>622</u> | <u>49</u> | <u>13</u> |
| <u>Benjamin J.</u> | <u>DELAWARE.</u> | <u>1846</u> | <u>622</u> | <u>50</u> | <u>9</u> |
| <u>Sarah J.</u> | <u>DELAWARE.</u> | <u>1846</u> | <u>622</u> | <u>51</u> | <u>5</u> |
| <u>Charles W. A.</u> | <u>DELAWARE,</u> | | | | <u>3</u> |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

Birth affidavit supplied

Del. #57

Sub 57

IN RE

Application for Enrollment of

INFANT CHILD

Chas. H. A. Lynch

as citizen of the

Cherokee Nation.

Approved 1900

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 1 1900

Re Band No 57

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE, Application for Enrollment, as a citizen of the Cherokee Nation, of Chas. N. A. Lynch, born on the 7th day of Dec, 1897. Name of Father: Chas. N. Lynch, a citizen of the Cherokee Nation. Name of Mother: Alice J. Lynch, a citizen of the Cherokee Nation. Post-office: Vinita, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.

Northwestern District. I, Alice J. Lynch, on oath state that I am 45 years of age and a citizen, by admission of the Cherokee Nation; that I am the lawful wife of Chas. N. a Lynch, who is a citizen, by adoption of the Cherokee Nation; that a male child was born to me on the 7th day of Dec, 1897; that said child has been named Chas. N. a Lynch, and is now living.

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Alice J. Lynch, M. C. Cuslowry, B. J. Hillbrand.

Subscribed and sworn to before me this 20th day of Sept, 1900.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.

Northwestern District. I, Minnie B. Gregory, a Midwife, on oath state that I attended on Mrs. Alice J. Lynch, wife of Chas. N. a Lynch on the 7th day of December, 1897, that there was born to her on said date a male child; that said child is now living and is said to have been named Chas. N. a Lynch.

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Minnie B. Gregory.

Subscribed and sworn to before me this 20th day of Sept, 1900.

NOTARY PUBLIC.

JHR

Delaware #57.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 18, 1903.

In the matter of the application of ALICE J. LYNCH, for the enrollment of herself, and children, Ada J., Mary E., Benjamin H. Sarah F. and Charles W. A. Lynch, as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Alice J. Lynch, as Alice Rankins, No. 964.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

C. R. Rankins
Commissioner.

RF

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahsequah, I. T., August 15, 1904.

In the matter of the application of Ada J. Lynch for the enrollment of herself and sisters, Mary E. and Sarah F., and brothers, Benjamin H. and Charles W. A. Lynch as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

John F. Woolery, being sworn and examined by the Commission, testified as follows:

- Q. What is your name? A. John F. Woolery.
Q. How old are you? A. 36.
Q. What is your postoffice? A. Ketchum, I. T.
Q. Are you a citizen of the Cherokee Nation? A. No sir.
Q. Is your wife a citizen? A. Yes sir.
Q. What is her name? A. Her name was Mary E. Lynch.
Q. Did she have an older sister named Ada J. Lynch? A. Yes sir.
Q. When were you married? A. The 2nd day of September, 1902.
Q. Are you and your wife living together at this time? A. Yes sir.

I, May Hudson, state upon oath that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

May Hudson

Subscribed and sworn to before me this 15 day of August, 1904.

Henry Public
Henry Public

Cher 10447

Minnie B. Gregory

Trans. from Del. # 58

(Old Series)

Cher 10447

Delaware.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 1st, 1900.

IN THE MATTER OF THE APPLICATION OF MINNIE BELLE GREGORY FOR THE ENROLLMENT OF HERSELF AND CHILDREN AS CHEROKEE CITIZENS.

The said Minnie Belle Gregory, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Minnie Belle Gregory.

Q How old are you? A Twenty years old.

Q What is your postoffice? A Vinita.

Q What district do you live in? A Delaware District.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Delaware or Shawnee? A I am a Delaware citizen.

Q Who do you apply for? Who do you want to enroll? A My children and myself.

Q Have you a husband? A Yes, sir; I have got a husband.

Q Is he living? A Yes, sir.

Q What is his name? A Elam Gregory.

Q When did you marry him? A I married him last October, the 15th day.

Q What was your mother's name? A Alice Lynch.

Q And the name of your father? A C. W. A. Lynch.

Q What are the names of your children? A Edith Gregory.

Q How old is Edith? A Two years old this last April.

Q What is the name of the next one? A William

A. Gregory.

Q How old is William? A Six months old.

Q Just two? A Yes, sir.

Q Are these children alive and living with you at this time? A

Yes, sir. Q Is your husband living? A Yes, sir.

Q He is a non citizen? A Yes, sir.

1880 Roll, page 2827, No. 1598, Alice J. Lynch, Delaware District.

Q She is your mother, is she? A Yes, sir.

Q Were you married before you married Mr. Gregory? A Yes, sir I was married to McCamish before. I have been married twice.

1896 Roll, page 623, No. 59, Minnie B. McCamish, Delaware District.

Q Is McCamish living? A Yes, sir.

Q You are not living with him? A No, sir.

Q Are you divorced? A Yes, sir.

Q Is he a white man? A Yes, sir.

Q Did he leave you? A Yes, sir.

Q What is his first name? A Andrew D. McCamish.

Q Were you married before that? A Yes, sir.

Examination by Mr. W. F. Hutchings, Representative of Cherokee Nation.

Q What did he leave you for? A Why he just went to town. I don't know what for. We couldn't get along.

Q How long was it after he left you that this child was born, the child that was born out of wedlock? A Over a year.

Q That child was born before you were married to this last husband Gregory? A Yes, sir; but it was Gregory's child.

Q And it was born about a year after you left your first husband? A Yes, sir; over a year.

THE COMMISSIONER: The name of Minnie B. Gregory appears upon the census roll of 1896 as Minnie B. McGanish, that being the name of the husband to whom she was then married. She is identified as the daughter of Alice J. Lynch, whose name appears upon the authenticated roll of 1890. She has two children Edith Gregory and William A. Gregory, whose names do not appear upon the census roll of 1896, but she presents satisfactory proof as to their birth.

They all being duly identified, and having made satisfactory proof as to their residence, the said Minnie B. Gregory and her two children Edith and William A., will be duly listed for enrollment as Cherokee citizens of Delaware blood, she having averred that she married one F. A. Gregory, a white citizen, in the year 1899.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of October A. D. 1900.

[Signature]
Commissioner.

Del 58 B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 1 1900



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct 1 - 1900 1900.

Name Vivita D.S.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License 1 Minnie B. Gregory Certificate _____

Wife's name _____

District DELAWARE. Year 1896 Page 623 No. 49

Citizen by blood yes Del Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Edith Gregory Dist. _____ Year _____ Page _____ No. _____ Age 2

William A. Gregory Dist. _____ Year _____ Page _____ No. _____ Age 6 mos

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

on 1880. names Minnie B. M. Canish
Birth affidavit supplied

Del 58

IN RE

Application for Enrollment of

INFANT CHILD

Edith Gregory

as a citizen of the

Cherokee Nation.

Approved *OCT 1 - 1900* 190

[Signature]
Commissioner.

Del 58

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 1 1900

Del 58 11058

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

Application for Enrollment, as a citizen of the Cherokee Nation,
 of Edeth Gregory, born on the 16th day of Apr., 1898
 (Here give name of child.)
 Name of Father Calum Gregory, a citizen of the Cherokee Nation.
 Name of Mother Minnie B Gregory citizen of the Cherokee Nation.
 Post-office Vinita, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Northern District.

I, Minnie B Gregory on oath state that I am 20
 years of age and a citizen, by Blood G, of the Cherokee Nation;
 that I am the lawful wife of Calum Gregory, who is a citizen, by
adoption of the Cherokee Nation, that a Female child was
 born to me on the 16th day of Apr., 1898; that said child has been
 named Edeth Gregory, and is now living.

WITNESSES TO MARK:
 (Must be Two Witnesses.)

Minnie B Gregory

Subscribed and sworn to before me this 20th day of Sept., 1900.
Geo E Butler
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Northern District.

I, Alice J Lynch, a Midwife on oath state that I
 attended on Mrs. Minnie B Gregory wife of Calum Gregory,
 on the 16th day of April, 1898; that there was born to her on
 said date a Female child; that said child is now living and is said to have been
 named Edeth Gregory.

WITNESSES TO MARK:
 (Must be Two Witnesses.)

Alice J Lynch
Calum Gregory

Subscribed and sworn to before me this 20th day of Sept., 1900
Geo E Butler
 NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Wm A Gregory

as a citizen of the

Cherokee Nation

Approved OCT 1 - 1900

[Signature]
Commissioner.

Del 58

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 1 1900

- Del Said No 58

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Mae A Gregory born on the 28 day of March, 1900. Name of Father Calum Gregory citizen of the Cherokee Nation. Name of Mother Minnie B Gregory citizen of the Cherokee Nation. Post-office Vinita, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.

Northern District.

I, Minnie B Gregory, on oath state that I am 40 years of age and a citizen, by Birth of the Cherokee Nation; that I am the lawful wife of Calum Gregory, who is a citizen, by Adoption of the Cherokee Nation; that mae child was born to me on the 28th day of March, 1900, that said child has been named Mae A Gregory, and is now living.

WITNESSES TO SIGN (Must be Two Witnesses.)

Minnie B Gregory

Subscribed and sworn to before me this 20th day of Sept., 1900. Jno. E. Rutter NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.

Northern District.

I, Alice J Lynch, a Midwife, on oath state that I attended on Mrs. Minnie B Gregory wife of Calum Gregory on the 28th day of March, 1900 that there was born to her on said date mae child; that said child is now living and is said to have been named Mae A Gregory.

WITNESSES TO SIGN (Must be Two Witnesses.)

Alice J Lynch
Calum Gregory

Subscribed and sworn to before me this 20th day of Sept., 1900. Jno. E. Rutter NOTARY PUBLIC.

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Cherokee Land Office,
 Tahlequah, I.T., November 21, 1903.

In the matter of the application of MINNIE B. GREGORY for the enrollment of herself and children, EDITH and WILLIAM A., as citizens of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A William T. Davis.
- Q How old are you? A I'm 60 years old.
- Q What is your postoffice address? A Ketchum.
- Q Are you a citizen by intermarriage of the Cherokee Nation?
- A Yes sir.
- Q How long have you been a citizen by intermarriage? A I was married in '72.
- Q Are you a member of the Cherokee Senate? A Yes sir.
- Q Do you know Minnie B. Gregory? A Yes sir.
- Q About how old is she? A Oh, I don't know; along about 25 or '6; I don't know her age; would take her to be about that age.
- Q What is her postoffice? A Ketchum.
- Q How long have you known her? A Oh, I've known her ever since I knew the family; ever since she was a little girl.
- Q Has she lived in the Cherokee nation ever since you've known her?
- A Yes sir.
- Q Is she living in the nation now? A Yes sir.
- Q Has she some children? A Yes sir.
- Q How many? A Well, I couldn't tell you. Two though, I believe she's got.
- Q These children live with her? A Yes sir.
- Q They were born in the nation, were they? A Yes sir.
- Q And have lived here all their lives? A Yes sir.

+++++

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
 this 12th day of December, 1903.

Samuel Foreman

Notary Public.

Cher 10448

Jane A. Thompson

Trans. from Del. #59

(Old Series)

Cher 10448

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 2, 1900.

In the matter of the application of T. Wymen Thompson for the enrollment of himself, wife and children as citizens of the Cherokee Nation of Delaware blood; said Thompson being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name, please? A T. Wymen Thompson.
Q How old are you? A 38.
Q What is your post office? A Ketchum.
Q What is your district? A Delaware.
Q And if you want to have put on the roll? A Myself, wife and three children.

Q Are you Cherokee? A No, sir, I am adopted white man.

Q Your wife is a Cherokee? A No, sir, Delaware.

The applicant presents a marriage license issued by the Clerk of Delaware District, April 24, 1888, authorizing marriage to Jane Ann Ketchum, a Cherokee citizen. The certificate shows that they were married on the 28 of the same month and year by the Reverend Charles Tucke. This is filed herewith.

Q You and your wife lived together ever since your marriage? A Yes, sir.

Q And in the Cherokee Nation? A Yes, sir.

Q How o/d is your wife? A 30.

Q Ketchum was her maiden name was it? A Yes, sir.

Q What was her father's name? A Charles Ketchum.

Q Dead or alive? A Dead.

Q Her mother's name? A Jane.

Q Dead or alive? A She is alive.

Q Your wife born in the Cherokee nation? A Yes, sir.

Q She lived here all her life? A Yes, sir.

Q Give me the names of your children? A Clara May.

Q How old is she? A 12 years old.

Q The next child? A George L. Gordon Thompson.

Q How old is that child? A Ten.

Q Next child? A James Corbett.

Q How old is that child? A Eight.

Q They are all living now, are they? A Yes, sir.

1880 enrollment; page 277, #1880, Jane Anna Ketchum, Delaware.

1896 enrollment; page 624, #35, Jane Ann Thompson, Delaware.

1896 enrollment; page 590, #680, Wymen Thompson, Delaware.

1896 enrollment; page 624, #36, Clara N. Thompson, Delaware.

1896 enrollment; page 624, #37, George L. Thompson, Delaware.

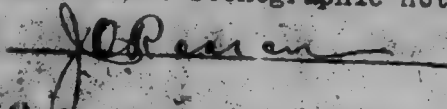
1896 enrollment; page 624, #38, James C. Thompson, Delaware.

Q Your wife has lived in the Cherokee Nation all her life? A Yes, sir.

Com'r Breckinridge: --The applicant applies for the enrollment of himself, wife and three children. His wife is identified on the rolls of 1880 and 1896 as a native Delaware. She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood. The applicant is shown to have been married to his wife in 1888 in accordance with Cherokee license and certificate filed herewith. They have lived together ever since their marriage, and he is identified on the roll of 1880. He will be listed now for enrollment as a Cherokee by intermarriage. The two children are identified with their parents on the roll of 1880. They are all living at this time and will be listed for enrollment as native Delawares.

W. Wymen Thompson---2.

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 5th day of October, 1900.



Commissioner.

Dec 17 B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 18 1900



ARTHUR B. HARRIS

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 9 1900 1900.

Name Ketchum J.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Jane A. Thompson

District DELAWARE. Year 1890 Page 277 No. 1486

Citizen by blood Delaware Mother's citizenship Jane Ketchum - - d

Intermarried citizen Elizabeth - - l

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children

| No. | Name | Dist. | Year | Page | No. | Age |
|-----|-------------------|-----------|------|------|-----|-----|
| 2 | Clara M. Thompson | DELAWARE. | 1896 | 624 | 86 | 12 |
| 3 | George L. G. | " | " | 624 | 87 | 10 |
| 4 | Jamie C. | " | " | 624 | 88 | 8 |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |
| | | Dist. | Year | Page | No. | Age |

1 On 1870 Roll as Jane Ann Ketchum
 3 " 1896 " " George L. Thompson

Del. 59

Cher 10449

Luella Haff

Trans. from Del. #60

(Old Series)

Cher 10449

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 VINITA, I.T., WASHINGTON OCTOBER 24, 1900.

In the matter of the application of Cyrus P. Haff for the enrollment of himself and children as citizens of the Cherokee Nation of Delaware blood; said Haff being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q Were we your name, please? A Cyrus P. Haff.
 Q How old are you? A 44.
 Q What is your post office? A Vinita.
 Q Where do you live? A Delaware.
 Q Who is it you want to have put on the roll? A Myself and three children.
 Q Are you Cherokee by blood? A I am Delaware.
 Q How long have you lived in the Cherokee Nation? A Since 1868.
 Q You are on the roll of 1880, are you? A I think so.
 Q Give me the name of your father? A Isarael P. Haff.
 Q Dead or alive? A Dead.
 Q Your mother's name? A Mary Haff.
 Q Dead or alive? A Living.
 Q Your father been dead 29 years, more or less? A He has not been dead that long.
 Q Give me the names of these children? A Luella.
 Q How old is that child? A 13.
 Q The next child? A Ever Hyles.
 Q How old is that child? A 11 years old.
 Q The next child? A Clara.
 Q How old is she? A Eight years old.
 Q These children all living now, are they? A Yes, sir.
 Q What is the name of the mother of these children? A Susie Haff.
 Q Is she alive or dead? A Dead.
 Q Was she a white woman? A She was a Delaware.
 Q When did she die? A Four years ago.
 Q How old are she when she died? A 33.
 Q When did you marry her? A In '86.
 Q Did you live with her until she died? A Yes, sir.
 Q She a Native of the Cherokee Nation? A Yes, sir.
 Q What was her maiden name? A Connor.
 Q What was her father's name? A George Connor.
 Q He dead or alive? A Dead.
 Q Her mother's name? A Malinda.
 Q Is she dead or alive? A Dead.
 1880 enrollment; page 267, #1260, Cyrus Haff, Delaware.
 1880 enrollment; page 28, #761, Susie Connor, Delaware.
 1896 enrollment; page 271, #298, Cyrus Haff, Cooweescoowee.
 1896 enrollment; page 271, #300, Luella Haff, Cooweescoowee.
 1896 enrollment; page 271, #301, Ever H. Haff, Cooweescoowee.
 1896 enrollment; page 271, #302, Clara Haff, Cooweescoowee.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and three children. He is identified on the rolls of 1880 and 1896 as an adopted Delaware. He has lived in the Cherokee Nation since 1868, and he will be listed now for enrollment as an adopted Delaware. His three children are identified with him on the roll of 1896. They are all minor and are living at this time. Their deceased mother is identified on the roll of 1880. These children will now be listed for enrollment as Cherokee Delawares.

J. O. Reagen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.
 Subscribed and sworn to before me this 24th day of October, 1900.

10 B

DEPARTMENT OF AGRICULTURE
COMMISSION TO THE FORESTED TRAILS

FILED
OCT 9 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

#6 Name Cyrus P. Huff, Vinita G. Date OCT. 2 1900 1900.
 District DELAWARE. Year 1890 Page 267 No. 1260
 Citizen by blood Delaware Mother's citizenship Israel P. Huff - - l.
 Intermarried citizen Mary - - l.
 Married under what law Delaware Date of marriage _____
 License _____ Certificate _____
 Wife's name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

Names of Children:

| Names of Children | Dist. | Year | Page | No. | Age |
|-------------------|---------------|------|------|-----|-----|
| 2 Luella Huff | COCWEESCOOWEE | 1896 | 371 | 310 | 13 |
| 3 Ober H. Huff | " | " | 371 | 301 | 11 |
| 4 Clara Huff | " | " | 371 | 302 | 8 |
| Mrs. Huff - del. | " | " | " | " | " |
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1 On 1880 Roll as Cyrus Huff.

File 100

Delaware #40.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I.T., January 8, 1904.

In the matter of the application of Cyrus P. Haff for the enrollment of himself and children, Luella, Eber H. and Clara as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Cyrus P. Haff, as Cyrus Haff, No. 944

It is ordered that copies of this statement be filed with and made a part of the record in this case.

C. R. Redding
Commissioner

MH

Cher 10450

Anderson Secondaryne

Trans. from Del. #61

(Old Series)

Cher 10450

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 2nd 1900.

IN THE MATTER OF THE APPLICATION OF ANDERSON SECONDINE FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND ONE CHILD, AS CHEROKEE CITIZENS.

The said Anderson Secondine, being sworn and examined by Commissioner C. R. Brackinridge, testified as follows:

Q What is your full name? A Anderson Secondine.
Q How old are you? A Thirty years old.
Q What is your past office? A Miles.
Q In what District do you live? A Cooweescoowee.
Q What is it you want to have put on the roll? A Myself and wife and one child.
Q Are you a Cherokee? A A Delaware.
Q Your wife, she is what? A A Shawnee.
Q How long have you lived in the Cherokee Nation? A Ever since I was born.

Q All your life? A Yes, sir.
Q What was your father's name? A Thomas Secondine.
Q Is he dead? A No, sir; he is living.
Q What is your mother's name? A Jane Secondine.
Q Is she dead? A Yes, sir.
Q What is your wife's name? A Rosa Secondine.
Q How old is she? A Twenty-one years old.
Q How long has she lived in the Cherokee Nation? A All her life.
Q What was her father's name? A I don't know.
Q What was your wife's name when you married her? A Rosa White.
Q Was her father named Jack White? A I guess so.
Q Is he dead? A Yes, sir.
Q What was her mother's name? A Susan.
Q She is alive, is she? A Yes, sir.
Q When did you marry this wife? A A little over two years ago.
Q Give me the name of your child? A Mullins.
Q How old is the child? A A little over a year old.

1880 Roll, page 174, No. 2626, Anderson Secondine, Cooweescoowee District, Adopted Delaware.

1880 Roll, page 199, No. 3223, Rosie White, Cooweescoowee District, Adopted Shawnee.

Q You had a former wife did you? A Yes, sir. She is dead.

1880 Roll, page 365, No. 642, Anderson Secondine, Cooweescoowee District.

1886 Roll, page 387, No. 672, Rosa White, Cooweescoowee District.

Q Your wife never married before she married you? A No, sir.

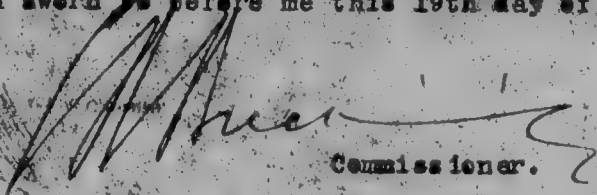
1880 Roll, page 388, No. 418, Rosa White, Cooweescoowee District.

THE COMMISSIONER, the applicant, and the Commissioner of the Cherokee Nation.

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 19th day of October A. D. 1900.



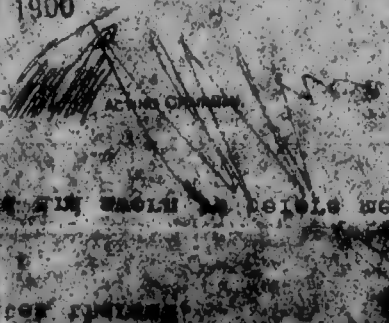
Commissioner.

COPIED
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1000 61

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
F. L. H. D.
OCT 22 1900

COMMISSIONER JOURNAL



APPROX. 1000 61

GENERAL STATE REPORT
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... ..
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... ..

Del 61 B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 8 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 8 1900 1900.

1 34 Name Anderson Secordyne White Oak, Ga. District COOWEESCOOWEE Year 1880 Page 174 No. 2626 Citizen by blood Delaware Mother's citizenship Thos Secor Intermarried citizen Jane Married under what law Date of marriage License Certificate

2 Wife's name District Year Page No. Citizen by blood Mother's citizenship Intermarried citizen Married under what law Date of marriage License Certificate

Names of Children:

Table with columns: Dist., Year, Page, No., Age. Multiple rows for children's records.

On 1880 Roll as Anderson Secordyne,

Del 61

Cher 10451

George H. Baker

Trans. from Del. #63

(Old Series)

Cher 10451

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF Lissie W. Barker, husband and children for enrollment as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A Lissie W. Barker.
Q How old are you? A Thirty eight.
Q What is your postoffice? A Kinnison.
Q In what district do you live? A Coowessocowee.
Q Who is it you want to have put on the roll; yourself?
A Myself, and children and husband.
Q How many children? A Nine.
Q Are you a Cherokee by blood? A No, sir.
Q What are you? A Belavare.
Q ~~What is your husband; white man?~~ A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Ever since the Belavares came to this country.
Q Was that in 1871? A Yes, sir.
Q What is your father's name? A James Wolfe.
Q Is he dead or living? A Dead.
Q Give me the name of your mother please? A Rachel Wolfe.
Q Is she dead or living? A She is living.
Q When were you married? A In 1879.
Q You are on the roll of 1880 then as Barker? A Yes, sir.
Q Never married but once? A That is all.
Q Give me your husband's name? A John G. Barker.
Q How old is he? A Forty-two.
Q He was married to you in 1879? A Yes, sir.
Q Have you and he lived together ever since your marriage?
A Yes, sir.
Q Now give me the names of the children please? A George Howard.
Q How old is that child? A Nineteen.
Q How the next child? A Henry James.
Q How old is he? A Seventeen.
Q The next child? A Fred Andrew.
Q How old is that child? A Fifteen.
Q The next child please? A Effie.
Q How old is she? A Thirteen.
Q The next child? A Elmer.
Q How old is that child? A Ten.
Q The next child? A Arthur.
Q How old is he? A Eight.
Q The next child? A Curtis.
Q How old is that child? A Seven.
Q The next child? A Herbert.
Q How old is that child? A Five.
Q The next child? A Sam Ray.
Q How old is that child? A Eight months old.
Q All living now, are they? A Yes, sir.

(1880 roll, page 68, #108, Lissie Barker, Coowessocowee D't)

- Q Have you a certificate of your marriage? A Yes, sir.

(1880 roll, page 30, #108, Lissie W. Barker, Coowessocowee D't)
(1880 roll, page 307, #108, John G. Barker, Coowessocowee D't)
(1880 roll, page 308, #108, George Barker, Coowessocowee D't)
(1880 roll, page 308, #108, Henry Barker, Coowessocowee D't)
(1880 roll, page 308, #108, Fred Barker, Coowessocowee D't)
(1880 roll, page 308, #108, Effie Barker, Coowessocowee D't)
(1880 roll, page 308, #108, Elmer Barker, Coowessocowee D't)
(1880 roll, page 308, #108, Arthur Barker, Coowessocowee D't)
(1880 roll, page 308, #108, Curtis Barker, Coowessocowee D't)
(1880 roll, page 308, #108, Herbert Barker, Coowessocowee D't)

Lizzie W. Barker---2.

John C. Barker, being called, sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your name? A John C. Barker.
Q How old are you? A Forty two.
Q What is your postoffice? A Kinnison.
Q Are you the husband of this lady here? A Yes, sir.
Q You were married to her in 1879? A Yes, sir; the first time.
Q Were you married to her the second time? A I do not know.
Q Is this certificate of the second marriage? A Yes, sir.

The applicant presents a certificate of marriage, showing that he and his wife, her name being given therein as Lyda Wolf were married July 25th, 1891, by the Clerk of Coowescoowee District.
Q This is your second marriage to the same woman? A Yes, sir.
Q Where is the Cherokee license under which you were married?
A In the clerk's office I think.
Q Since you are not on the roll of 1890, you must have a license, and I will have to put you on a doubtful card.

Applicant recalled:

The applicant applies for the enrollment of herself, her husband and nine children; she is identified on the rolls of 1890 and 1896, as an adopted Delaware; she has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as an adopted Delaware.

Of her nine children, the first eight named in the testimony are identified with her on the roll of 1896; they are all minors and are all living now, and they will be listed for enrollment as Cherokee Delawares. And when she supplies the Commission a certificate of the birth of her youngest child, Gna Ray Barker, this child also will be listed for enrollment as a Cherokee Delaware.

Her husband appears in the application, and he is identified with his wife on the roll of 1896. They state that they were first married in 1879; he is not identified on the roll of 1890, but it does not appear to be through any fault of his own. He presents a certificate of marriage, in accordance with Cherokee law, it being he states of a second marriage to the same wife in 1891, and it is filed herewith. When he presents the Commission with his marriage license, showing that he has conformed to the Cherokee requirement, as relates to his right to enrollment, he will then be listed for enrollment as a Cherokee by adoption. For the present, he will be placed on a doubtful card, to await that evidence.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Crawns.

Subscribed and sworn to before me this 8th day of October, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Greninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the fore-

Lewis V. Foster—S.

going copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of November, 1961.

M. M. Meem
Notary Public.

NOV 14 1961
NOTARY PUBLIC
M. M. MEEM

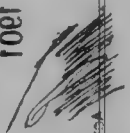
Subscribed and sworn to before me this 14th day of November, 1901.

Notary Public.

NOV 15 1901

FILED

COMMISSION TO THE EXECUTIVE TRIBES
DEPARTMENT OF THE INTERIOR



NOTARY PUBLIC

1011 P 3

Del 63 B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 3 1990

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 3 1900 1900.

1 Name Remison J.
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____
 38 Wife's name Lizzie W. Barker
 District COOWEESCOOWEE Year 1870 Page 63 No. 166
 Citizen by blood Delaware Mother's citizenship Joe W. W. - d
 Intermarried citizen Reckell - l
 Married under what law _____ Date of marriage 1879
 License _____ Certificate _____

Names of Children: COOWEESCOOWEE

| No. | Name | Dist. | Year | Page | No. | Age |
|-----|------------------|---------------|------|------|-----|-------|
| 3 | Georgette Barker | COOWEESCOOWEE | 1876 | 362 | 139 | 19 |
| 4 | Henry J. " | " | " | 362 | 140 | 17 |
| 5 | Fred A. " | " | " | 362 | 141 | 16 |
| 6 | Effie " | " | " | 362 | 142 | 13 |
| 7 | Oliver " | " | " | 362 | 143 | 10 |
| 8 | Arthur " | " | " | 362 | 144 | 8 |
| 9 | Curtis " | " | " | 362 | 145 | 7 |
| 10 | Berbert " | " | " | 362 | 146 | 3 |
| 11 | Qua R. " | " | " | " | " | 8 yrs |

- 2 On 1880 Roll as Lizzie Barker
 3 " 1896 " " George "
 4 " " " " Henry "
 5 " " " " Fred "
 10 " " " " Berbie "
 11 Affidavit to be supplied, Del 63

J.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 8 1900

~~ACTING CHAIRMAN~~

ACTING CHAIRMAN.

Del 63

❁ CERTIFICATE OF MARRIAGE. ❁

COOWEESCOOWEE DISTRICT,
Cherokee Nation, Indian Territory.

I, H. H. TROTT, Clerk of Cooweescoowee District, Cherokee Nation, do hereby certify that

J. C. Perkins of Cherokee Nation
and Lydia Wolf of Cherokee Nation
were by me joined in marriage on this the 28th day of Aug., 1897.

agreeable to the authority in me vested, under the laws of the Cherokee Nation, Indian Territory.

In Witness Whereof I have hereunto set my hand and Official Seal

SEAL

on the day and date above written.

H. H. Trott
Clerk, Cooweescoowee District, Cherokee Nation, Ind. Ter.

Del 63 C

20

IN RE

Application for Enrollment of

INFANT CHILD

Ona Barker

as a citizen of the

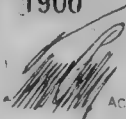
Shawnee Nation.

Approved, **OCT 3 - 1900** 190...

Commissioner.

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

FILED
OCT 3 1900



ACTING CHAIRMAN.

Del Dard No 63,

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Ona Barker, born on the 12th day of January, 1900.
(Here insert name of child.)
Name of Father: John C. Barker, a citizen of the Cherokee Nation.
Name of Mother: Lizzie W. Barker, a citizen of the Cherokee Nation.
Post-office, Kinnison, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Lizzie W. Barker, on oath state that I am thirty eight years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of John C. Barker, who is a citizen, by marriage, of the Cherokee Nation; that a male child was born to me on the 12th day of January, 1900; that said child has been named Ona Barker, and is now living.

WITNESSES TO MARK:

Lizzie W. Barker

(Must be Two Witnesses.)

Subscribed and sworn to before me this 3d day of October A. D., 1900.

[Signature]

COMMISSIONER.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Rachel Anderson, a midwife, on oath state that I attended on Mrs. Lizzie W. Barker, wife of John C. Barker, on the 12th day of January, 1900; that there was born to her on said date a male child; that said child is now living and is said to have been named Ona Barker.

WITNESSES TO MARK:

Rachel Anderson
mark

(Must be Two Witnesses.)

[Signature]
Howard Seranson

Subscribed and sworn to before me this 3d day of October A. D., 1900.

[Signature]

COMMISSIONER.

Delaware #63.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tablequah, I.T., January 8, 1904.

In the matter of the application of Lissie W. Barker for the enrollment of herself and children, George H., Henry J., Fred A., Effie, Elmer, Arthur, Curtis, Herbert and Ona Barker as Delaware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, made in 1867, of the names of persons who elected to remove to and become citizens of the Cherokee Nation in accordance with the terms of the Treaty between the Delaware and Cherokee tribes of Indians, entered into April 8, 1867, it is found that the applicant is duly identified upon said Register as follows:

Lissie W. Barker, as Elizabeth Wolf, alias Jane W. Wolf, No. 428

It is ordered that copies of this statement be filed with and made a part of the record in this case.

C. K. Puckinger
Commissioner.

ME

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

in the matter of the application of Lizzie W. Barker for
the enrollment of herself and children, George W., Henry T., Fred
A., Effie, Elmer, Arthur, Curtis, Herbert and Sam Barker as Del-
aware citizens of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon an examination of the Register of Delaware Indians, -
made in 1887, of the names of persons who elected to remove to and
become citizens of the Cherokee Nation in accordance with the
terms of the Treaty between the Delaware and Cherokee Tribes of
Indians, entered into in 1804, it is found that the appli-
cant is duly identified in said Register as follows:

Lizzie W. Barker, Elizabeth Wolf, alias Jane W. Wolf, No. 428

It is ordered that this statement be filed with and
made a part of the record in this case.

C. K. Ruediger
Commissioner.

10763

COMMISSION TO THE FIVE CIVILIZED TRIBES
AT WASHINGTON, D. C.

FILED TO 1804

ORIGINAL

Cher 10452

Benjamin F. Haff

Trans. from Del. #65

(Old Series)

Cher 10452

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1900.

In the matter of the application of Benjamin Franklin Haff for the enrollment of himself, wife and children as Delaware; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Benjamin Franklin Haff. ✓
Q What is your age? A I am 32..
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood? A About 1/4 breed Delaware.
Q For whom do you apply? A I want to enroll my wife and children.
Q Care anything about enrolling yourself? A Yes, sir.
Q What is the name of your wife? A Mary Belle.
Q How old is your wife? A 34 years old.
Q What was her name before you married her? A Yost.
Q She a citizen by blood? A Yes, sir.
Q Have you got any certificate of marriage? A I have got a certificate at home.
Q When did you marry her? A In 1891.
Q Your wife a Delaware or a Cherokee? A She is a Delaware.
Q What are the names of your children? A The first one is James Riley, 8 years old.
Q What is the name of the next one? A Cassie Ann, 4 years old.
Q What is the next one? A Hamilton Fish, 2 years old.
Q The name of the next one? A That is all.
Q Got any proof of birth as to this youngest fellow? A I haven't any with me.
Q You always lived in the Cherokee Nation? A Yes, sir.
Q These children all living with you? A Yes, sir.
Q You are living in the Cherokee Nation at this time? A Yes, sir.
(Benjamin F. Haff on 1880 roll, page 267, No. 1266, Benjamin Haff, Delaware district, Mary Belle Haff on 1880 roll, page 345, No. 5123, Mary Belle Yost, Delaware district. Benjamin F. Haff on 1893 roll, page 621, No. 25, Benjamin F. Haff, Delaware district. Mary Belle Haff on 1893 roll, page 621, No. 24, Delaware district. James R. Haff on 1896 roll, page 621, No. 25, Delaware district. Cassie Ann Haff on 1896 roll, page 621, No. 27, Cassie M. Haff, Delaware district.)

The name of Benjamin F. Haff appears upon the authenticated roll of 1880 as Benjamin Haff and the name of his wife, to whom he avers he was married in the year 1891, Mary Belle Yost, appears upon the authenticated roll of 1893. The name of Benjamin F. Haff and his wife, Mary B., appear upon the census roll of 1896, as well as the names of their children, James R. and Cassie A., and they all being duly identified, they will all be listed for enrollment as Cherokees of Delaware blood. His youngest child, Hamilton Fish, will be so enrolled when he presents a proper certificate of birth.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 3rd day of October, 1900.

Bruce C. Jones
W. H. Needles
Commissioner.

13.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 8 1900

[Signature]
ACTING CHAIRMAN

Delib5-

CHEROKEES BY BLOOD AND ADOPTION.

Name Benjamin G. Hoff Date Winta D.S. 1900.

District DELAWARE. Year 1880 Page 767 No. 1266

Citizen by blood 1/4 Mother's citizenship

Intermarried citizen

Married under what law Delaware Date of marriage

License 2 Certificate

Wife's name Mary B. Hoff ne Yost

District DELAWARE. Year 1880 Page 345 No. 3123

Citizen by blood 1/4 Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

| Name | Dist. | Year | Page | No. | Age |
|------------------|-----------|------|------|-----|-----|
| James B. Hoff | DELAWARE. | 1896 | 671 | 25 | 8 |
| Cassie A. Hoff | DELAWARE. | 1896 | 671 | 27 | 4 |
| Hamilton B. Hoff | | | | | 2 |
| | | | | | |
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| | | | | | |
| | | | | | |

1 on 1880 roll Benjamin Hoff
 2 " " " Mary Belle Yost
 4 " " " Cassie M. Hoff
 5 Birth aff. supplied

Feb 65

Re-
IN RE

Application for Enrollment of

INFANT CHILD

Hamilton Fish Hoff

as a citizen of the

Cherokee Nation.

Approved **OCT 3 - 1900** 190

W. H. ...
Commissioner

Del 65

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 3 1900

Del Band No 65

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Hamilton Fish Hoff, born on the 14 day of May, 1898
(Here insert name of child.)
Name of Father: Benjamin F Hoff, a citizen of the Cherokee Nation.
Name of Mother: Mary Belle Hoff, a citizen of the Cherokee Nation.
Post-office: Vinita, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Mary Belle Hoff, on oath state that I am 24
years of age and a citizen, by Blood, of the Cherokee Nation;
that I am the lawful wife of Benjamin F Hoff, who is a citizen, by
admission, of the Cherokee Nation; that a male child was
(male or female)
born to me on the 14 day of May, 1898, that said child has been
named Hamilton Fish Hoff, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Mary Belle Hoff

Subscribed and sworn to before me this 3rd day of Oct, 1900
Jno E Butler
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Ruth Lynch, a Midwife, on oath state that I
attended on Mrs. Mary Belle Hoff, wife of Benjamin F Hoff,
on the 14 day of May, 1898; that there was born to her on
said date a male child; that said child is not living and is said to have been
(male or female)
named Hamilton Fish Hoff.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Ruth Lynch

Subscribed and sworn to before me this 3rd day of Oct, 1900
Jno E Butler
NOTARY PUBLIC.

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Cherokee Land Office,
 Tahlequah, I.T., November 21, 1903.

In the matter of the application of BENJAMIN F. HAFF for the enrollment of himself, his wife, MARY B., and children, JAMES R., CASSIE A. and HAMILTON F. HAFF, as citizen of the Cherokee Nation of Delaware blood.

SUPPLEMENTAL TESTIMONY.

WILLIAM T. DAVIS, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A William T. Davis.
 Q How old are you? A I'm 60 years old.
 Q What is your postoffice address? A Ketchum.
 Q You are a citizen by intermarriage of the Cherokee Nation, are you not? A Yes sir.
 Q How long have you been a citizen by intermarriage? A I was married in '72.
 Q You are a member of the Cherokee Senate, are you not?
 A Yes sir.
 Q Do you know Benjamin F. Haff? A Yes sir.
 Q How old is he? A He's along about 40 years old; he was born just after the ratification of the Delaware treaty with us in '67 I believe. 34 or '5 I mean, instead of 40.
 Q What is his postoffice? A Ketchum.
 Q His name is not on the register, is it? A No sir, I think not.
 Q He is your brother-in-law? A Yes sir.
 Q You have always understood he was born just after the register was made and too late to get on the register? A Yes sir.
 Q You have known him then since about 1872? A It was about 1875 when I first got acquainted with the family.
 Q Has he lived in the Cherokee nation ever since you've known him?
 A Yes sir.
 Q Is he living in the nation now? A Yes sir.
 Q What is his wife's name? A Her name--she was a Yost; Babe they always called her, but I think her name is Mary.
 Q How long have you known her? A Why, I've known her 25 years I guess; ever since she was born you might say.
 Q Has she lived in the Cherokee Nation ever since you've known her?
 A Yes sir.
 Q She is living in the Cherokee Nation now? A Yes sir.
 Q They live near Ketchum, don't they?
 Q How many? A Two.
 Q What are their names? A They call the little boy Bear and the girl Maria I think her name is.
 Q Ever hear the boy called James or the girl Cassie or?

- A Well now, I couldn't tell you. They call the boy Bear and the girl Marina, and the one that died, they called her Cissy. I never paid much attention; well I believe too, that Marina's name is Uasis.
- Q Was the one that died a boy? A No, a girl.
- Q Did they ever have a child named Hamilton F.? Who would be about 2 years old now? A Let's see, they had another boy.
- Q Is he dead? A I think so.
- Q How old was this Cissy that is dead? A I guess she would be 9 or 10 years old if she was living.
- Q She died several years ago? A No, 2 or 3 years ago.
- Q When did this youngest boy, Hamilton F., die? A Well, I don't remember.
- Q About how long ago? A I don't remember; in fact he had slipped my mind; I had forgot about them having that little boy; I don't remember when he did die; my memory is not good anyhow.
- Q Has this boy been dead for as long as 2 years? A I think so.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 12th day of December, 1903.

Samuel Foreman

Notary Public.

10452
~~Cherokee~~

IN RE
THE DEATH OF

Hamilton F. Hart
a citizen of the

Cherokee Nation.

Approved January 15 1904
P. H. Beckwith
Commissioner.

~~Enc. 2-20.~~

Enc 177

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

FILED
JAN 15 1904


CHAIRMAN

111114 REC.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Hamilton F. Hoff
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near
Ketchum, Ind. Ter., and died on the about 29 day of

July, 1902.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
North District.

I, Benjamin Hoff, on oath state that I am 36
years of age and a citizen, by blood, of the Cherokee Nation;
that my post office address is Ketchum, Ind. Ter.; that I am
(Here insert name of post office.)

Father of Hamilton F Hoff,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;

and that said Hamilton F Hoff died on the about 29 day of
(Here insert name of deceased.)

July, 1902. Benjamin F Hoff
WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14th day of October 1902.

My Com Exp May 5th 1904 F. M. Smith
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
North District. } S S

I, W. J. Davis, on oath state that I am 54
years of age, and a citizen, by adpt, of the Cherokee Nation;
that my post office address is Ketchum, Ind. Ter.;

that I was personally acquainted with Hamilton F Hoff,
(Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;

and that said Hamilton F Hoff died on the 29th day of

July, 1902. W. J. Davis
WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 11th day of July 1902.

My Com Exp May 5th 1904 F. M. Smith
Notary Public.

Cherokee Co, Del.

Muskogee, Indian Territory, September 20, 1902.

Benjamin F. Haff,

Vinita, Indian Territory.

Dear Sir:

The Commission is informed that Hamilton F. Haff, who was an applicant before this Commission on October 3, 1900, for enrollment as a citizen of the Cherokee Nation, has died since the date of such application.

There is enclosed you herewith a blank form of affidavit, and if this information is correct, you are requested to have the affidavit properly executed and return to the Commission as promptly as possible, in order that the death of Hamilton F. Haff may be shown upon the records of the Commission.

Respectfully,

Acting Chairman.

Enc. A-70.

Delaware 65

Muskogee, Indian Territory, October 13, 1902.

Benjamin F. Haff,
Ketchum, Indian Territory.

Dear Sir:-

The Commission is in receipt of affidavit showing the death, on or about January 29, 1902, of your son, Hamilton F. Haff. It is noticed that, while your name appears in the body of this affidavit as Benjamin Haff, you sign same as Ben Haff. Your name appears on the Commission's records as Benjamin F. Haff.

The affidavit is herewith returned to you and you are requested to have same corrected so that your name will appear in the body of the affidavit and where you sign same, as Benjamin F. Haff.

You are also requested, if possible, to have someone execute the affidavit under the heading, "Affidavit of Acquaintance."

Respectfully,

Commissioner in Charge.

Enc. M-172

Delaware 65

Tablequah, Indian Territory, November 23, 1903.

Benjamin F. Haff,

Ketchum, Indian Territory.

Dear Sir:

The Commission is informed that your son, Hamilton F. Haff, for whose enrollment as a citizen of the Cherokee Nation you have heretofore made application, has died since the date of that application.

There is enclosed herewith a blank form of affidavit and, if this information is correct, you are requested to have same properly executed and forward to the Commission at the earliest possible date, in order that the death of the said Hamilton F. Haff may be shown upon the Commission's records.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

NFM

Enc. M-2153

Cher 10453

William W. Sheshey

Trans. from Del. #66
(Old Series)

Cher 10453

Commissioner.

[Handwritten signature]

Subscribed and sworn to before me this 5th day of October, 1900.

[Handwritten signature]

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he corrected the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

The name of William W. Sheesey appears upon the census roll of 1896. He has been fully identified as the child of [redacted] Sheesey, who was a Delaware citizen by blood, and so recognized in the community although his name for some reason does not appear upon the census roll of 1890. Said William W. Sheesey will be duly listed for enrollment as a Cherokee citizen of Delaware blood.

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

ED
1899

[Handwritten notes]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3, 1900.

In the matter of the application of Samuel Vanover for enrollment of his grand-son, William W. Sheshey, as a citizen of the Cherokee Nation, said Vanover being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Samuel Vanover.
Q How old are you? A 68 years old to-day.
Q What is your postoffice address? A Centralia.
Q For whom do you apply? A William W. Sheshey, a Delaware.
Q How old is he? A 2 years old.
Q What is the name of this child's father? A Samuel.
Q Is he living? A No sir.
Q What is the name of his mother? A Nancy L.
Q Is she living? A No sir.
Q This child is an orphan? A Yes.
Q What interest have you in this child? A It is my grand-child.
Q Is his mother's name on the '80 roll? A No sir.
Q This child on '96 roll, page 384, number 590.

JOHN H. MCGEE, being sworn, testified as follows:

- Q What is your name? A John H. McGee?
Q What is your age? A 45.
Q Postoffice? A Kenison.
Q Do you know Sam Sheshey? A I knew him by the name of Sam Sheshey.
Q Was he a full-blood Indian? A He was a full-blood Delaware.
Q Has he always lived in this country? A I knew him here for 10 or 15 years.
Q Is he living now? A No sir, he is dead.
Q When did he die? A I don't know.
Q How far do you live from him? A About a mile.
Q Was he married? A Yes.
Q Whom did he marry? A He married Mr. Vanover's daughter, Loretta.
Q Do you know whether he had a child by her or not? A Yes.
Q What is its name? A I don't remember.
Q Boy or girl? A Boy-- it is right here now somewhere.
Q Has this boy's father always been recognized as a citizen of Delaware blood? A Yes.
Q No dispute about it? A Not that I ever heard of.

JOHN SECUNDINE, being sworn, testified as follows:

- Q What is your name? A John Secundine.
Q How old are you? A 50.
Q What is your postoffice? A White Oak.
Q Did you know Sam Sheshey? A Yes.
Q What was he? A A Delaware Indian.
Q Full blood? A I think so.
Q Was he always recognized as a citizen here? A Yes, no question was ever raised as to his citizenship.

He died before 1900

The name of William V. Mackey, appears upon the census roll of 1890. He has been fully identified as the child of Ann Mackey, who was a Delaware citizen by blood, and as recognized in the community although his name for that reason does not appear upon the census roll of 1890. Said William V. Mackey will be duly listed for enrollment as a Shoshone citizen of Delaware blood.

The undersigned, being first duly sworn, states that he attended rather to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

B. McDonald

Subscribed and sworn to before me this 8th day of October, 1900.

C. A. ...

Commissioner.

73
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 4 1900



ACTING CHAIRMAN.

D. C. 66

CHEROKEES BY BLOOD AND ADOPTION.

Date Centralia Del. OCT 8 - 1900 1900.

Name:

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate Delaware

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship Parents Samuel Sheshey

Intermarried citizen Mancy S.

Married under what law Date of marriage

License Certificate

Names of Children: William Sheshey Dist. COOWEESCOOWEE Year 1846 Page 384 No. 590 Age 8

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 orphan - in custody of Samuel Vanover
1 in 1846 sold as William Owen Sheshey

Del 66 J

Q. You don't know his Delaware name or Indian name, do you?

A. No, I don't.

Q. How old was Samuel Sheshey? A. Sam Sheshey, he was about, when he died, I think he was over thirty some. I don't just exactly recollect.

Jesse C. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of April, 1903.

Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 31st, 1903.

-----X
In the matter of the application of William)
W. Sheshey for the enrollment of himself)
as a citizen of the Cherokee Nation of)
Delaware blood.)
-----X

Supplemental to
Delaware # 66.

Samuel Vanover, being duly sworn, testified as follows:

Examination by the Commission.

- Q. State your name? A. Samuel Vanover.
- Q. How old are you? A. 70 years old.
- Q. What is your post office? A. Kinnison.
- Q. Do you know William W. Sheshey? A. Yes, sir.
- Q. He is your grandson? A. Yes, sir.
- Q. What is his father's name? A. Samuel Sheshey.
- Q. Was Samuel Sheshey a Delaware Indian? A. That is what they all claimed he was.
- Q. What degree of blood did he have? A. He claimed to be a full blood.
- Q. A full blood Delaware, was he? A. Yes, sir.
- Q. How long had Samuel Sheshey lived in the Cherokee Nation? A. Well, I couldn't tell you exactly. He was here when I come here about 18 years ago. When I come here he told me that he was registered here.
- Q. You came to the Nation about 18 years ago? A. 18 years ago.
- Q. Samuel Sheshey was here then? A. Yes, sir; he was down on the Caney.
- Q. What was his wife's name? A. Lucretia, my daughter.
- Q. Was it Nancy Lucretia? A. Nancy Lucretia.
- Q. When did he marry your daughter? A. I don't recollect exactly, now.
- Q. Was it after you came here? A. Oh, yes, it was in 1890, I reckon, or '91.
- Q. You are not an Indian are you? A. No, sir.
- Q. You are a white man? A. White man.
- Q. When did Samuel She shey die? A. Well, I couldn't exactly give the time because I wasn't there. He died down there about Bartlesville. It was reported down there. I didn't see him for about a year before he died.
- Q. What year did he die? A. Well, he has been dead about 6 or 7 years. He died directly after that Delaware payment down there on Lightning creek.
- Q. He died shortly after 1896? A. Yes, sir.
- Q. Had he lived in the Cherokee Nation from the time you knew him first up to 1896? A. Yes, sir; he made his home here.
- Q. Was his wife dead? A. Yes, sir.
- Q. When did she die? A. Well, I can't give you the date. I have not it set down at home. She died pretty near a year before he did.
- Q. She died first. A. She died first.

Q. Have you had this boy ever since his parents died?
A. I have had the boy all his life except about six months. They was living with me up on Cabin Creek when the child was born. I have had him all his life with the exception of about six months. When he was a couple of months old they went off and was gone about six months. I have had him ever since.

Q. You have lived in the Cherokee Nation? A. Yes, sir.
Q. This boy is with you all the time? A. Yes, sir.
Q. Do you know what district Samuel Sheshey lived in in 1880?
A. This northern district.
Q. Coowesscoowee? A. Yes, sir.
Q. He claimed to be a registered Delaware? A. He claimed he was. Mrs. Anderson said he was. That is all I know about it.
Q. You don't know his Delaware name or Indian name, do you?
A. No, I don't.
Q. How old was Samuel Sheshey? A. Sam Sheshey, he was about, when he died, I think he was over thirty some. I don't just exactly recollect.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ^{18th} day of April, 1905.

Jesse O. Carr
Samuel Foreman
Notary Public.

Cher 10454

Charles J. Anderson

Trans. from Del. # 67

(Old Series)

Cher 10454

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 4th, 1900.

IN THE MATTER OF THE APPLICATION OF CHARLES J. ANDERSON FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN AS CHEROKEE CITIZENS.

The said Charles J. Anderson, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your full name? A Charles J. Anderson.
Q How old are you? A Twentyfour.
Q What is your post office? A Kinnison.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself and wife and two children.
Q Are you a Cherokee by blood? A A Delaware.
Q What is your wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A All my life.

- Q What is the name of your father? A Alexander M. Anderson.
Q Dead or alive? A Alive.
Q What is the name of your mother? A Rachel Anderson.
Q Dead or alive? A Alive.
Q Give me the name of your wife? A Lydia M. Anderson.
Q How old is she? A Twenty-three.
Q What was her name when you married her? A Lydia Nading.
Q That was her maiden name was it? A Yes, sir.
Q She was never married except to you? A No, sir.
Q And you were never married except to her? A No, sir.
Q When were you married? A November 1st, 1894.
Q Have you a certificate of marriage? A Yes, sir.

THE COMMISSIONER: The applicant presents a certificate of his marriage as stated by him in the testimony, the ceremony being performed by the Clerk of Delaware District. It is filed herewith.

- Q Your wife has lived with you ever since her marriage, has she? A Yes, sir.
Q Give me the names of your children. A Annie M. Anderson.
Q She is five years old, isn't she? A Yes, sir.
Q The next is Lula M., isn't it? A Yes, sir.
Q Three years old last August, wasn't she? A Yes, sir.
Q These children are both living now are they? A Yes, sir.

1880 Roll, page 580, No. 16, C. J. Anderson, Cooweescoowee District.
1896 Roll, page 357, No. 21, Charles J. Anderson, Cooweescoowee District.

1896 Roll, page 293, No. 32, Lydia Anderson, Cooweescoowee District.

1896 Roll, page 357, No. 22, Annie M. Anderson, Cooweescoowee District.

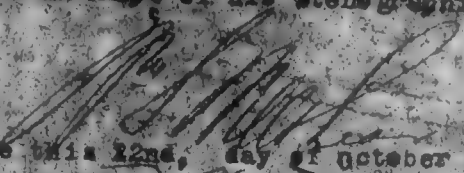
THE COMMISSIONER: The applicant applies for the enrollment of himself, his wife and two children. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed now for enrollment as an adopted Delaware. His wife is shown to have married him in 1894. The certificate is filed herewith. She is identified with him on the roll of 1896, and has lived with him ever since her marriage. She will be listed now for enrollment as a Cherokee by adoption.

The elder child, Annie M., is identified with her mother and father on the roll of 1896; she is living now, and will be listed for enroll-

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
OCT 12 1900

ment as a Cherokee-Delaware. When the Commission is supplied with a certificate of the birth of the younger child Lula N., this child also will be listed for enrollment as a Cherokee-Delaware.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 12th day of October 1900.

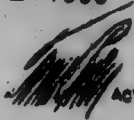


Commissioner.

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 4 1900



ACTING CHAIRMAN.

Del 67

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 4 1900 1900.

24 Name Charles J. Anderson, Kinnison St,

District COOWEESCOOWEE Year 1896 Page 37 No. 16

Citizen by blood Delaware Mother's citizenship Alex M. Anderson - l

Intermarried citizen No. Rachel - l

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

1 Dannie M. Anderson Dist. COOWEESCOOWEE Year 1896 Page 357 No. 22 Age 5

3 Lula M. Dist. Year Page No. Age 3

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 On 1896 Roll as C. J. Anderson
3 affidavits to be supplied

Del 67

Dec 67 G.

IN RE

Application for Enrollment of

INFANT CHILD

Annie M. Anderson

as a citizen of the

Cherokee Nation.

Approved OCT 4 - 1900 190...

C. M. ...
Commissioner.

Leader Printing Company.

DEPARTMENT OF
COMMISSIONER

Del. Card 607

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Annie M. Anderson, born on the 26 day of September, 1895
(here insert name of child)
Name of Father: Charles J. Anderson, a citizen of the Cherokee Nation.
Name of Mother: Lydia M. Anderson, a citizen of the Cherokee Nation
Postoffice: Kinnison

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Cherokee Nation. }

I, Lydia M. Anderson, on oath state that I am 23
years of age and a citizen, by Adoption, of the Cherokee Nation;
that I am the lawful wife of Charles J. Anderson, who is a citizen, by
Admission, of the Cherokee Nation; that a Female child was
(male or female)
born to me on the 26 day of September, 1895; that said child has been
named Annie M. Anderson, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 1st day of October, 1900

V. Adkinson

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Rachel Anderson, a midwife, on oath state that I
on the 26 day of September, 1895; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Annie M. Anderson her

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this 1st day of October, 1900

V. Adkinson

NOTARY PUBLIC.

Del 67. C

IN RE

Application for Enrollment of

INFANT CHILD

Lila M. Anderson

as a citizen of the

Choctaw Nation.

Approved **OCT 4 - 1900** 1900

A. M. ...
Commissioner.

Leader Printing Company.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 4 1900

Del 67. C

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Lula M. Anderson, born on the 28 day of August, 1897
(here insert name of child)
Name of Father: Charles J. Anderson a citizen of the Cherokee Nation.
Name of Mother: Lydia M. Anderson a citizen of the Cherokee Nation
Postoffice Princeton, N.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Cherokee Nation.

I, Lydia M. Anderson, on oath state that I am 23
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of Charles J. Anderson, who is a citizen, by
Admission, of the Cherokee Nation; that a Female child was
(male or female)
born to me on the 28 day of August, 1897; that said child has been
named Lula M. Anderson, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 1st day of October, 1900

V. A. Prinnison

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northwestern District.

I, Rachel Anderson, a midwife, on oath state that I
attended on Mrs. Lydia M. Anderson, wife of Charles J. Anderson
on the 28 day of August, 1897; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Lula M. Anderson, her
Rachel Anderson
midwife

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 1st day of October, 1900

V. A. Prinnison

NOTARY PUBLIC.

Del. 67

E

IN RE

Application for Enrollment of

INFANT CHILD

Jessie M. Anderson

as a citizen of the

Cherokee Nation.

Approved

April 4 1901

[Signature]
Commissioner.

Leader Printing Company.

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 4 1901

[Signature]

ACTING CHAIRMAN

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Jessie M. Anderson, born on the 8 day of October, 1900
(here insert name of child)
Name of Father: Charles J. Anderson, a citizen of the Cherokee Nation.
Name of Mother: Lydia M. Anderson, a citizen of the Cherokee Nation
Postoffice Stinson, C. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cherokee Nation.

I, Lydia M. Anderson, on oath state that I am 23
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of Charles J. Anderson, who is a citizen, by
admission, of the Cherokee Nation; that a male child was
(male or female)
born to me on the 8 day of October, 1900; that said child has been
named Jessie M. Anderson, and is now living.

WITNESSES TO MARK: Lydia M. Anderson

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14 day of March, 1901
V. A. Stinson
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Crow Agency District.

I, Rachel Anderson, a Midwife, on oath state that I
attended on Mrs. Lydia M. Anderson, wife of Charles J. Anderson,
on the 8 day of October, 1900; that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named Jessie M. Anderson.

WITNESSES TO MARK: Rachel Anderson
her
mark

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14 day of March, 1901
V. A. Stinson
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR
OFFICE OF
COMMISSIONER FOR THE FIVE CIVILIZED TRIBES
MUSCOGEE, OKLAHOMA

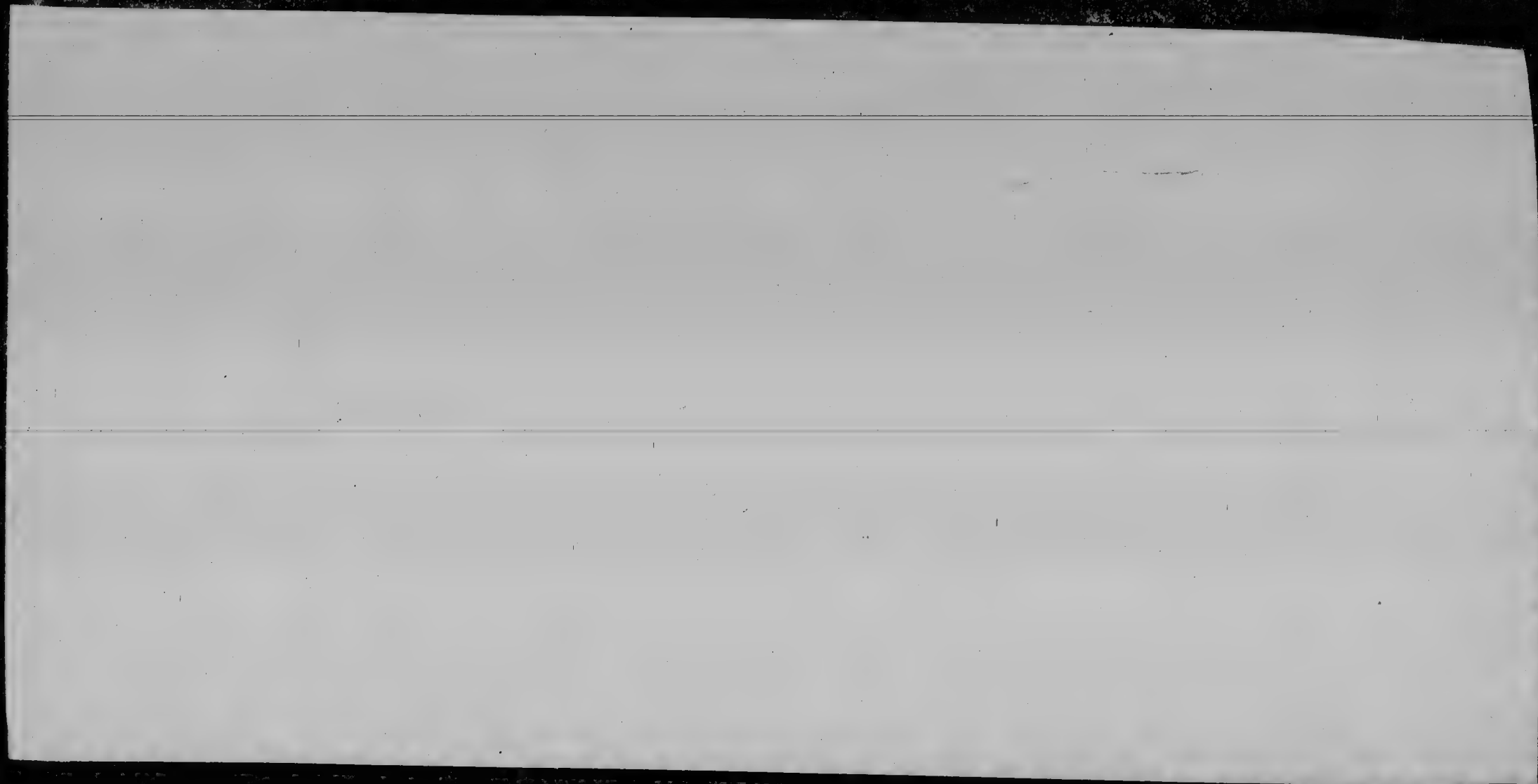
THIS IS TO CERTIFY THAT I AM THE OFFICER HAVING CHARGE OF THE RECORDS PERTAINING TO THE ENROLLMENT OF THE
MUSKOGEE, CHEROKEE, CHICKASAW, CHEROKEL CREEK AND DELAWARE
AND THE DISTRIBUTION OF THE LAND OF SAID TRIBES
AND I HEREBY CERTIFY THAT THE ABOVE NAMED

Cherokee Delaware Census Card No. 67.

Cherokee

March 7, 1918.

HHB



COPY

Cherokee-16454.

Muskogee, Indian Territory, November 28, 1904.

Charles J. Anderson,

Kinnison, Texas.

Dear Sir:

The Commission is in receipt, by reference from the U. S. Indian Agent, of your letter of November 18, relative to the enrollment of your minor child, Emma Florence Anderson, as a citizen by blood of the Cherokee Nation.

In reply, you are advised that this Commission is now without authority to receive applications for enrollment in said Nation. In this connection your attention is called to section 30 of the Act of Congress approved July 1, 1902 (32 Stat. 76), which provides:

"The application of no person whatsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge

Cher 10455.

Nancy Nading

Trans. from Del. #68

(Old Series)

Cher 10455

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I. T., October 4th, 1900.

IN THE MATTER OF THE APPLICATION OF NANCY NADING FOR THE ENROLLMENT OF HERSELF AND HER HUSBAND AS CHEROKEE CITIZENS.

The said Nancy Nading, being sworn and examined by Commissioner C. E. Brackinridge, testified as follows:

- Q Give me your full name please. A Nancy Nading.
Q Have you any middle name? A No, sir.
Q How old are you? A Sixteen.
Q What is your post office? A Rinnicon.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the roll? A Myself and my husband.
Q Have you any children? A No, sir.
Q Just yourself and husband? A Yes, sir.
Q Are you a Cherokee by blood? A A Delaware.
Q What is your husband a white man? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is the name of your father? A Alexander M. Nading. (Anderson)
Q Dead or alive? A Alive.
Q Your mother's name? A Rachel Anderson.
Q Is she alive? A Yes, sir.
Q Give me the name of your husband? A Samuel A. Nading.
Q How old is he? A Twenty-one.
Q When did you marry him? A May 7th, 1900.
Q Have you a certificate of marriage? A Yes, sir.

THE COMMISSIONER: The applicant presents a certificate showing that she and her husband were married, as stated by her, at Osage, Kansas, on the 7th of May, 1900, by L. W. Crain, Probate Judge. This is returned to the applicant.

Q Your husband was not married to you in accordance with Cherokee law? A No, sir.

Q But in accordance with United States law? A Yes, sir.
1896 Roll, page 58, No. 15, Rachel Anderson, Coowescoowee District.

1896 Roll, page 58, No. 12, A. M. Anderson, Coowescoowee District.
1896 Roll, page 367, No. 24, Nancy Anderson, Coowescoowee District.

THE COMMISSIONER: The applicant applies for the enrollment of herself and husband. She is identified on the roll of 1896 as a Cherokee-Delaware; she is too young to be on the roll of 1890, but her father and mother are identified on that roll; she has lived in the Cherokee Nation all her life; her change of name is established by the marriage certificate cited in the testimony; she will be listed now for enrollment as a Cherokee-Delaware.

Her husband is shown to have married her within the present year in accordance with United States law; he is not upon any roll, and that marriage does not entitle him to enrollment as a Cherokee citizen. Only a memorandum will be made of his case, as the Commission is not deemed to have jurisdiction under the circumstances.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October A. D. 1900.

Commissioner

B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F. I. E. D.

Oct 4 1968



ACTING CHAIRMAN

Dec 168

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 4 1900 1900.

Name Kimison J. J.

District [handwritten] Year [handwritten] Page [handwritten] No. [handwritten]

Citizen by blood [handwritten] Mother's citizenship [handwritten]

Intermarried citizen [handwritten]

Married under what law [handwritten] Date of marriage [handwritten]

License [handwritten] Certificate [handwritten]

Wife's name Nancy Nading

District COOWEESCOOWEE. Year 1906 Page 357 No. 24

Citizen by blood Delaware Mother's citizenship Alex M. Anderson

Intermarried citizen Ms Rachel

Married under what law [handwritten] Date of marriage [handwritten]

License [handwritten] Certificate [handwritten]

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|-------|-------|-------|-------|
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On 1906 Roll as Nancy Anderson

Del. 68

10 Del 68

IN RE

Application for Enrollment of

INFANT CHILD

Virgil Nading

as a citizen of the

Cherokee Nation.

Approved JUL 11 1901

C. H. Best
Commissioner.

Leader Printing Company.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 11 1901

[Signature]
ACTING CHAIRMAN

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Virgil Nading, born on the 6 day of July, 1901
(here insert name of child)
Name of Father: Samuel A. Nading, a citizen of the Cherokee Nation
Name of Mother: Marcy Nading, a citizen of the Cherokee Nation
Postoffice Kinnison I.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Cherokee Nation.

I, Marcy Nading, on oath state that I am 16
years of age and a citizen, by admission of the Cherokee Nation;
that I am the lawful wife of Samuel A. Nading, who is a citizen, by
adoption, of the Cherokee Nation; that a male child was
(male or female)
born to me on the 6 day of July, 1901; that said child has been
named Virgil Nading, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 8 day of July, 1901

V. A. Kinnison
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Cowessaco District.

I, J. B. Johnson, a Physician, on oath state that I
attended on Mrs. Marcy Nading, wife of Samuel A. Nading,
on the 6 day of July, 1901; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Virgil Nading.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 8 day of July, 1901

V. A. Kinnison
NOTARY PUBLIC.

Delaware 68

Muskogee, Indian Territory, November 6, 1902.

Nancy Nading,
Kinnison, Indian Territory.

Dear Madam:-

The Commission is in receipt of birth affidavit in the matter of the application for the enrollment, as a citizen of the Cherokee Nation, of your infant child, Ralph Nading, born September 10, 1902.

In reply, you are advised that the Commission is without authority to receive the application for the enrollment of this child. In this connection, your attention is called to sections 25 and 30 of the Cherokee Agreement proclaimed August 12, 1902, as follows:

"Sec.25. The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

.....
Sec.30. During the months of September and October, in the year nineteen hundred and two, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the first day of September, nineteen hundred and two, but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

Respectfully,

Acting Chairman.

END

OF

ROLL

